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INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

HEARINGS BEFORE THE SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD EIGHTY-FIFTH CONGRESS FIRST SESSION

PURSUANT TO SENATE RESOLUTION 74, 85TH CONGRESS

APRIL 16, 17, 18, AND 29, 1957

PART 6

Printed for the use of the Select Committee on Improper Activities in the
Labor or Management Field





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SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR
MANAGEMENT FIELD

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INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

TUESDAY, APRIL 16, 1957

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES,
IN THE LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee met at 10 a. m., pursuant to Senate Resolution 74, agreed to January 30, 1957, in the Caucus Room, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Irving M. Ives, Republican, New York; Senator Pat McNamara, Democrat, Michigan; Senator Barry Goldwater, Republican, Arizona.

Also present: Robert F. Kennedy, chief counsel of the select committee; LaVern J. Duffy, investigator; Ruth Young Watt, chief clerk.

The CHAIRMAN. The committee will be in order.

(Present at the convening of the hearings were Senators McClellan, Ives, McNamara, and Goldwater.)

Senator GOLDWATER. Might I interrupt for a moment? The action that you have just gone through, using a cigarette for a gavel, has interested the people of Arizona to the point that they feel that the chairman of this committee should have a real gavel.

So I received in the mail yesterday, to present to you, an ironwood gavel, made of the ironwood of the desert of Arizona with the silver inscription on it, "J. L. McC." which was done by Howard Begay, who is our leading Indian silver artist.

It gives me a great deal of pleasure on behalf of Senator Carl Hayden and myself and the State of Arizona, to present this instrument to you so that you might properly preside over these meetings.

The CHAIRMAN. Thank you, Senator Goldwater, Senator Hayden, and the fine people of the State of Arizona. What kind of wood did you say this is?

Senator GOLDWATER. That is ironwood. It will not float and we have nothing in Arizona to float it in. It has a specific gravity of 1.2 and that wood in that gavel is probably 150 to 200 years old, and it is so hard it has to be turned on a metal lathe. You might try it for sound.

The CHAIRMAN. I thought I understood you to say it was ironwood, and I needed something to put a little steel in my disposition here as I undertake to preside at times. Not that the members of the committee have not wholly and fully cooperated, because they have.

It makes it pleasant to try to do this work when the Chair has that cooperation and support of those of his colleagues who are charged with the same responsibilities in carrying out this assignment.

All right, we shall proceed and the Chair wishes to make a brief statement regarding these hearings.

Today, the committee resumes public hearings on racketeering in the labor-management field. We will be concerned primarily with the situation that has existed for the past few years in Scranton, Pa.

We expect to develop in these hearings what may be a classic example of the use of force and violence in labor-management relations.

We are all familiar with the use of force and violence that was prevalent in labor-management relations during the 1930's. Possibly in that period most of the violence was initiated by employers, who were attempting to keep their employees from organizing and joining unions. But the fact that management may have at some time resorted to force and violence, which we condemn, does not justify or excuse labor unions or their leaders for making use of those tactics.

I think we all agree that the extent and degree of terrorism and violence that existed in the thirties has diminished in the past few years. Unfortunately, however, it has not disappeared from the national scene.

This committee has received many reports from areas throughout the country of threats, intimidation, physical violence, and the destruction of property. These complaints have come from such localities as New York City, N. Y.; Nashville, Tenn.; Philadelphia, Pa.; Joplin, Mo.; Charlotte, N. C.; Los Angeles, Calif.; Chicago, Ill.; and Portsmouth, Ohio.

The Chair may add they come from many other communities and we did not undertake to name them all.

For the most part, they are directed against officials or hired thugs and goons of labor unions. Some, however, are directed against the use of force and violence by management. We shall give attention to some of those complaints and those areas at a later time.

There can be no excuse for this type of conduct or the resorting to such tactics today on the part of either labor or management. Labor-management relations should have matured sufficiently by this time that neither would acknowledge the necessity for nor tolerate the use of such tactics.

Certainly, labor unions should be in the forefront in observing and enforcing democratic processes and in granting civil rights to union members. When it is revealed that violence replaces peaceful negotiations and that intimidation and coercion replace the ballot box, the Congress is then clearly obligated and duly-bound to review existing laws and determine the need for remedial legislation.

In the Scranton area, I think it will be disclosed that some union officials engaged in bullying tactics and made use of violence and terror tactics to impose their will, not only on certain segments of the business community but also on members of their own unions. The harm and injury that can be caused to a community by such activities as were engaged in by union officials in Scranton should be, and I am sure it is, a matter of concern to all of us.

Scranton, Pa., is a splendid community and in some aspects is outstanding. Until just a few years ago, its economic welfare had largely

depended on the anthracite coal industry. With the decline of that industry, the civic-minded and enterprising citizens of that community have by their own initiative, industry, and ingenuity made great strides in the development of other important industries, which have sustained and promoted its economic and civic welfare.

In this connection criminal or improper practices or activities, such as may be shown by testimony in these hearings, place roadblocks in the way of progress and constitute a crime, not only against those persons to whom they are directed, but a crime against the whole community.

These hearings are in no way to be interpreted as reflecting upon the fine community of Scranton or the good people who compose its citizenry.

The character of evil about which I have spoken cannot and should not be tolerated by the laws of our land. It is, therefore, hoped and expected that such activities, when exposed and brought to the public's attention, will also provide the Congress with pertinent information upon which it can predicate corrective legislation.

The Chair would like to add that the committee has received two telegrams which he desires to place in the record at this point.

One is from Mr. John J. O'Connell, president of the Scranton Chamber of Commerce in which he points out the effort that that community has made and the successful effort it has made to rehabilitate its economy and that such tactics as this committee hearing may reveal are not characteristic in any sense of the fine people of that community.

There is a similar telegram received from Victor D. Diehm, president, Northeast Pennsylvania Industrial Development Commission, Hazleton, Pa. These two telegrams will be printed in the record at this point.

(The telegrams are as follows:)

Senator McCLELLAN,

*Senate Investigating Committee,
Senate Building, Washington, D. C.*

Scranton, Pa., developed 12 years ago an industrial development plan of community self-help. People raised \$4 million to build 27 community plants to employ almost 10,000 of our people.

This truly American plan has done much to help solve our economic problems. In view of widespread negative publicity attached to Senate hearings on certain unethical practices in labor circles in Scranton area, we are concerned that association to our industrial development will be negative.

Our Scranton plant we hope will continue to merit attention and consideration of progressive people who will want to associate with us as partners to continue building a new prosperous economy.

Would appreciate your committee qualify any negative publicity releases with statement pointing up what the people of Scranton area did for themselves in industrial development.

(Signed) JOHN J. O'CONNELL,
President, Scranton Chamber of Commerce.

Senator JOHN L. McCLELLAN,

*Chairman, Senate Permanent Committee on Investigation,
Senate Office Building, Washington, D. C.*

A humble community would like the honor to have this statement read into your committee's record prior to commencement of testimony from invited witnesses from Scranton, Pa.

As the processes of this, our Congress, move on in the pursuit of new or corrective legislation to provide this Nation with the best in democratically arrived

at laws, it becomes very apparent that all of the apples in the barrel might be characterized, in your quest to spotlight one or more apples under investigation.

Scranton and northeastern Pennsylvania have a proud record * * * a record that has been lauded on congressional floors. It represents a record of achievement in the best of American tradition.

Under a system of personal individualism, workers from the hard coal areas of Pennsylvania have, for more than a century, engaged in labor that has been rugged, has been disillusioning, and most dangerous. But they persevered, they have faced the adverse and responded.

During World War II, if the committee staff check the records of the Veterans' Administration or the armed services, the Scranton and northeastern Pennsylvania region have given to the cause of national liberty more than their equal share of servicemen. When these men returned home, those among them that shared the dismal trials of service and welcomed the advent of civil life, these men were confronted with an economic situation that offered no employment.

But, as in wartime, that situation was not totally bad. Leaders in Scranton and northeastern Pennsylvania conceived what is being heralded in another section of this Senate, the Senate Committee on Banking and Currency now studying the area redevelopment program, a program of community industrial self-help called the Scranton plan, which has created thousands of new jobs in the face of a declining anthracite industry.

We wish that the honorable Senate and your committee would recognize that in view of the tremendous appeal which sensational news reflects from Washington, that Scranton and its environs could be negatively affected if your committee does not at the very outset establish, if it will establish forthwith, a community does have noteworthy qualities. That Scranton is respected as one of those communities.

Scranton and the entire northeastern section of Pennsylvania are engaged in a heroic battle to achieve economic solvency. That community has gained fame for initiating a wonderful self-help spirit that did not await Federal or State intervention and supervision of its problems, but solved most of them within the community.

We can hardly believe that your committee would do anything to defame such a community as a whole, a city that only recently was honored as an "all-American city."

But, rather, your committee in its contemplation of national reaction to your spotlight hearings will temper a generous number of favorable observations on the stimulating community program that is now in effect at Scranton.

We trust that your committee can appreciate our earnest concern over your broad projection of Scranton before your most honorable body.

(Signed) VICTOR C. DIEHM,
President, Northeast Pennsylvania Industrial
Development Commission, Hazleton, Pa.

Senator IVES. Mr. Chairman, I know that you have stated the sentiment of all of us. I think what you said would apply to Scranton and applies to any community where we are investigating the labor-management situation.

We in no way are indicting the people of the United States in any of these communities. We are trying to clean up a serious mess and get it straightened out, and we are going to have to do these things now and then which may embarrass communities, and certainly it is embarrassing to organized labor at the present time.

But this is not an indictment of any community, and it is not an indictment of organized labor.

The CHAIRMAN. Are there any other comments from any other member? Thank you very much, Senator Ives.

The Chair had intended to make that strong implication at least in his statement, and it is certainly true. We are not here to try to embarrass any community. There are just a few people who engage in such practices which can, if they continue unchecked and continue to grow, reflect upon the community.

But I am sure all of these communities which we have referred to and all from whom we have heard or where charges have been made that such practices have occurred want it cleaned up and they have been and they are cooperating in that effort.

All right, Mr. Counsel, call the first witness.

Mr. KENNEDY. Mr. Paul Bradshaw.

The CHAIRMAN. Will you be sworn, please?

Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BRADSHAW. I do.

TESTIMONY OF PAUL BRADSHAW

The CHAIRMAN. Be seated, Mr. Bradshaw.

Will you please state your name, your place of residence, and your business or occupation?

Mr. BRADSHAW. Paul Bradshaw, 1302 Washburn Street, Scranton, Pa.

The CHAIRMAN. What is your business or occupation, Mr. Bradshaw?

Mr. BRADSHAW. For the last few years I haven't done much. It is just lately I bought myself a little dump truck, and I drive that once in a while, but very seldom.

The CHAIRMAN. Mr. Bradshaw, you have talked to some members of the staff, have you, and you know generally the line of interrogation to expect?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. You have been advised of the rules of the committee, which permit you to have counsel present, if you desire.

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. Do you waive the right of counsel?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. You are willing to proceed?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. Thank you very much. Gentlemen of the photographers, may I have your attention, please? If you are going to take a picture, do it, and then get out of view. You are right between us and the witness, and you are going to have to spread yourselves around and leave a line of vision for the committee.

Senator McNAMARA. Mr. Chairman, I did not hear the answer to the question, "What do you do for a living at this time?"

The CHAIRMAN. What do you do for a living at this time?

Mr. BRADSHAW. Sir, I have a dump truck, and I drive that and I work at that, sir.

Senator McNAMARA. You are a trucking contractor?

Mr. BRADSHAW. I think so.

Senator McNAMARA. Don't you know?

Mr. BRADSHAW. Well, yes. I have only got just a truck by myself, just one truck.

The CHAIRMAN. You just do odd jobs with it; is that correct?

Mr. BRADSHAW. Yes, sir.

Mr. CHAIRMAN. All right, Mr. Counsel, you may proceed.

Mr. KENNEDY. Mr. Bradshaw, you are how old now?

Mr. BRADSHAW. Thirty-six years old.

Mr. KENNEDY. You have always lived in Scranton, Pa., have you?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. Could you tell us what school you went to?

Mr. BRADSHAW. I went to St. Ann's School.

Mr. KENNEDY. St. Ann's Parochial School?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. For how many grades?

Mr. BRADSHAW. Eight grades.

Mr. KENNEDY. Then you left school?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. About 1933 or 1934?

Mr. BRADSHAW. I guess it was a little earlier than that. I am not positive of the date or the year.

Mr. KENNEDY. Approximately 1932?

Mr. BRADSHAW. That's right.

Mr. KENNEDY. What did you do after you got out of school?

Mr. BRADSHAW. I didn't do much of anything. I boxed in the amateurs.

Mr. KENNEDY. Did you do any work at that time?

Mr. BRADSHAW. I did a little work.

Mr. KENNEDY. What kind of work did you do?

Mr. BRADSHAW. Well, farmwork, a little farmwork, and that was about all.

Mr. KENNEDY. Did you work in coal at all?

Mr. BRADSHAW. Well, at the time we used to have a little bootleg holes.

Mr. KENNEDY. How would that operate?

Mr. BRADSHAW. We would go down in any of the fields, and we will dig a hole and we would get the coal out of it and we would take it home in the backyard and crack and screen it and we would sell it to different individuals.

Mr. KENNEDY. Was it during that period of time that there were great financial problems in Scranton, Pa.?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. That was a source of income for you, the coal, these small bootlegging holes that you had, and then also the farming; is that right?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. Then you boxed on the side; did you?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. How successful were you at that?

Mr. BRADSHAW. Well, I did all right in the amateurs.

Mr. KENNEDY. How many fights did you have?

Mr. BRADSHAW. I must have had about 40 amateur fights, and 21 professional.

Mr. KENNEDY. How many did you win in the professional?

Mr. BRADSHAW. Twenty out of twenty-one.

Mr. KENNEDY. Then, after that did you work up until the time of the war; is that right?

Mr. BRADSHAW. I didn't do too much at the time, and you couldn't get a job around Scranton, and there weren't many people working in Scranton at that time. I went into the Army in 1941, January of 1941.

Mr. KENNEDY. Did you serve overseas with the Army?

Mr. BRADSHAW. Yes.

Mr. KENNEDY. What division?

Mr. BRADSHAW. 7th Division.

Mr. KENNEDY. You served in the Pacific?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. How many years were you overseas?

Mr. BRADSHAW. Two.

Mr. KENNEDY. You received the Bronze Star; is that right?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. Then you came out of the Army and you came back to Scranton, Pa.?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. In 1945?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. And what did you do when you got back to Scranton? What business did you go into?

Mr. BRADSHAW. I had two fights and then I quit the fight business and I got my first job in 1946 with George M. Brewster, a contractor up in Tobyhanna, Pa., on a road job.

Mr. KENNEDY. What were you doing on the road job?

Mr. BRADSHAW. I was laboring.

Mr. KENNEDY. Were you a member of a union at that time?

Mr. BRADSHAW. Yes, sir. I was a member of the laborers' union 130, in Scranton.

Mr. KENNEDY. Then did you start driving a truck shortly after that?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. Then did you become a member of the teamsters union?

Mr. BRADSHAW. Yes, sir; I did.

Mr. KENNEDY. Did you work driving a truck through 1950, 1951, and 1952?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. Then ultimately, did you become a steward in the teamsters?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. How was it arranged for you to become a steward?

Mr. BRADSHAW. I was elected by the men on the job.

Mr. KENNEDY. Was it arranged beforehand how you would be elected?

Mr. BRADSHAW. Yes. The union officials would send up so many men at the beginning of the job and the men would be up with their orders from the business agents to make sure they voted for me.

Mr. KENNEDY. So it was all arranged beforehand, who would be the steward?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. And the people, the ones that were going to vote for you, were sent up to the job beforehand with instructions on how to vote; is that right?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. Now, after a while, did it become a procedure to appoint the steward rather than to elect them?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. How was that arranged, that step taken?

Mr. BRADSHAW. Well, I got a phone call one night from Robert Malloy, the business agent for the teamsters union out of Scranton, 229. He told me to be at the union meeting on Tuesday night and for me to bring about 4 or 5 friends of mine with me, and to make sure that I tell them how to vote at this meeting.

Our orders were to go to the meeting and one fellow would make a motion to—I am sorry.

Mr. KENNEDY. That is all right.

Mr. BRADSHAW. One fellow would have orders to get up and make a motion, that they wanted to have a motion put in order that they would make—I am sorry.

Mr. KENNEDY. Now, we are talking about getting the stewards so that they were no longer being elected but they were going to be appointed.

Mr. BRADSHAW. That is right.

Mr. KENNEDY. Was there any notice sent out beforehand that this was going to be taken up?

Mr. BRADSHAW. No, just to a few of us individuals.

Mr. KENNEDY. So that you were the only ones that knew it was going to be handled.

Mr. BRADSHAW. That's right.

Mr. KENNEDY. That this matter was even going to be considered?

Mr. BRADSHAW. That's right.

Mr. KENNEDY. And then when you got into the union hall, when a few of the members of the union were present, this measure was put through, is that right?

Mr. BRADSHAW. That is correct.

Mr. KENNEDY. And it was decided in this vote at that time that the stewards would be appointed rather than elected anymore?

Mr. BRADSHAW. That is correct.

Mr. KENNEDY. By whom were they going to be appointed?

Mr. BRADSHAW. Well, on construction, Bob Malloy was in charge of the construction department.

Mr. KENNEDY. What was his position?

Mr. BRADSHAW. Business agent for 229 Teamsters.

Mr. KENNEDY. How many business agents were there?

Mr. BRADSHAW. There were three.

Mr. KENNEDY. And they each had different departments, is that right?

Mr. BRADSHAW. That is correct.

Mr. KENNEDY. So that Bob Malloy was going to do the appointing of the stewards for the construction work?

Mr. BRADSHAW. That is correct.

Mr. KENNEDY. Who were the other two stewards?

Mr. BRADSHAW. Business agents, you mean.

Mr. KENNEDY. Yes.

Mr. BRADSHAW. Joseph McHugh.

Mr. KENNEDY. He was going to be the business agent for what?

Mr. BRADSHAW. For over-the-road drivers.

Mr. KENNEDY. Over-the-road drivers?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. Who was the other?

Mr. BRADSHAW. John Durkin.

Mr. KENNEDY. And he was what?

Mr. BRADSHAW. The financial secretary and business agent.

Mr. KENNEDY. What did he handle, John Durkin, the city of Scranton?

Mr. BRADSHAW. He took care of just about everything in the local.

Mr. KENNEDY. Now, was there also a movement to change the tenure of the business agents from 3 to 5 years?

Mr. BRADSHAW. Yes, sir, there was.

Mr. KENNEDY. How was that arranged?

Mr. BRADSHAW. It was on the same order as the stewardships.

Mr. KENNEDY. Once again there was no notice sent to the members?

Mr. BRADSHAW. No notification of any of the members and we were all told to be there and each one of us had our own certain clique and we make the motion and another fellow would pass it, and that was it.

Mr. KENNEDY. So you were each instructed to bring so many people there.

Mr. BRADSHAW. That is correct.

Mr. KENNEDY. That would vote for the measure, is that right?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. And the rest of the membership were not even told that this was going to be brought up, is that right?

Mr. BRADSHAW. Eighty percent of them never knew it until afterward.

Mr. KENNEDY. So that the measure was put through that the stewards would be appointed, rather than elected and that the business agents would have their tenure of office extended from 3 years to 5 years.

Mr. BRADSHAW. That is correct.

Mr. KENNEDY. What if you had any problem? Were you given any instructions or was there any discussion if you had any problem among some agitators in the union who were causing the leadership trouble?

Mr. BRADSHAW. Well, Bob Malloy was the business agent and he was the only one that ever gave us any instructions on beating up a fellow if the fellow spoke out of turn or went against something that they would make a motion to do.

He would get a fellow by the name of Robert Hubshman.

Mr. KENNEDY. He was a member of the teamsters local 229?

Mr. BRADSHAW. That is right.

Mr. KENNEDY. And Bob Malloy would give him the instructions to beat up anybody?

Mr. BRADSHAW. That is correct.

Mr. KENNEDY. Do you remember any particular case in which Hubshman beat anyone up that was causing the leadership any trouble?

Mr. BRADSHAW. Yes, there was a fellow there and he would get up on the floor and he would try to put his 2 cents in on something, and the business agents didn't like it, and Robert Malloy gave Robbie Hubshman orders to beat the fellow up.

So when the fellow was walking out the door Hubshman walked up and clipped the guy a couple of times and he said, "Don't call me no damned Jew," he says and the fellow never opened his mouth.

Mr. KENNEDY. Were you at any time invited to beat anyone up?

Mr. BRADSHAW. Yes, I was.

Mr. KENNEDY. And what was his name?

Mr. BRADSHAW. A fellow by the name of Red Harrington.

Mr. KENNEDY. Did you beat him up?

Mr. BRADSHAW. No. There were 3 fellows there, and Bob Malloy wanted 3 of us to beat him up and I wouldn't have any part of it, and that was the end of that.

Mr. KENNEDY. So he was never molested?

Mr. BRADSHAW. No, he wasn't.

Mr. KENNEDY. What about the elections in the union? Was there any arrangement made to make sure that certain officials would be elected through rigged elections? Was there anything like that?

Mr. BRADSHAW. Yes, they would make sure that they had their friends on the board.

Mr. KENNEDY. You had elections in December of 1954, is that right?

Mr. BRADSHAW. That is right.

Mr. KENNEDY. Who was running in those elections?

Mr. BRADSHAW. Robert Malloy was the business agent and Martin Piepoli was running against him for business agent of the miscellaneous department. John "Pokey" Watkins was running against Pinky Hart for president of 229.

Mr. KENNEDY. Could you give me those names again?

Mr. BRADSHAW. Pinky Hart for president and Marty Piepoli and Robert Malloy for business agent.

Mr. KENNEDY. They were running against one another?

Mr. BRADSHAW. That is correct.

Mr. KENNEDY. Now, was there any arrangement made so that Malloy would be reelected?

Mr. BRADSHAW. Yes. We had receipts.

Mr. KENNEDY. What are receipts?

Mr. BRADSHAW. That showed that you were paid up for the month and you pay your dues and they give you a receipt.

Mr. KENNEDY. Had they arranged to have some of these extra receipts?

Mr. BRADSHAW. We had quite a bit of extra receipts there and they were passed around among the boys. There was about I would say 7 or 8 fellows that I know of, including myself and we voted as high as 6 and 7 times.

Mr. KENNEDY. You just got these receipts and kept going in and out and voting?

Mr. BRADSHAW. That is right.

Mr. KENNEDY. Who were those receipts handed out by or who arranged that?

Mr. BRADSHAW. Bob Malloy arranged the ones I know about.

Mr. KENNEDY. Who were you supposed to vote for, Bob Malloy?

Mr. BRADSHAW. Bob Malloy and Pinky Hart for president.

Mr. KENNEDY. And were both of those two elected?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. Was there any instruction given to you as far as the handling of contractors or people with whom you were working, and were you supposed to make sure that they conformed?

Mr. BRADSHAW. Well, I had orders when a contractor would come in on a job, especially the subcontractors, to make it as rough for them as I could make it and not to let them get away with a thing, and to

keep pressing them all of the time. So I would keep pressing them so when they complained to me, I had orders to tell them that they were wanted down at the business agent, to talk to them.

Mr. KENNEDY. To force them to go down and see the business agent?

Mr. BRADSHAW. So they would go down and they would see the business agents of the locals, the building trades, and after that they would come up on the job and they would tell me, "All right, Paul, take it easy with this one" or, "Take it easy with that one" and "keep shoving it to this one," and that is he way it went.

Mr. KENNEDY. After the subcontractor would go down to see him, he would then instruct you to either continue to be hard on them, or to start to be easy?

Mr. BRADSHAW. Or take it easy, that's right.

Mr. KENNEDY. Now, you worked out at the Tobyhanna base?

Mr. BRADSHAW. The Signal Corps Depot, that is right.

Mr. KENNEDY. What was your position out there, a steward?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. Were you stationed at the gate as trucks came in, is that right?

Mr. BRADSHAW. I was all over the job, sir.

Mr. KENNEDY. You were in charge of the workers out there?

Mr. BRADSHAW. That's right.

Mr. KENNEDY. Was one of your jobs to see when the truck came in from outside Tobyhanna Signal Corps, they came in to deliver material?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. Would you tell the committee what you did as far as these trucks were concerned?

Mr. BRADSHAW. When a truck would come in there was a parking place there for them in a big field and they were stopped there and I would ask them for their union book.

If they had a union book and they were from Scranton, they went in and unloaded their own truck. If they were out of a 90-mile radius and they were out of our jurisdiction, we put a man on the truck.

Mr. KENNEDY. Now, let me understand that. That would be even if the driver was union, even if he was a teamster union member, you would take him off the truck and put one of your own men on?

Mr. BRADSHAW. We would put a local man on; yes, sir.

Mr. KENNEDY. Now, your local man would drive the truck how far? Just into the base?

Mr. BRADSHAW. He wouldn't drive it. We haven't had many of them driving trucks.

Mr. KENNEDY. They would sit there?

Mr. BRADSHAW. Sit in with the driver, yes, sir.

Mr. KENNEDY. Would he get a day's pay for doing that?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. Get a whole day's pay for just sitting in the truck?

Mr. BRADSHAW. Well, it didn't always happen where he would sit in the truck, sir, and he had to unload the truck too.

Mr. KENNEDY. He had to unload the trucks?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. Assist in unloading the truck?

Mr. BRADSHAW. That is correct.

Mr. KENNEDY. But he would receive an extra day's pay for doing that?

Mr. BRADSHAW. That's right.

Mr. KENNEDY. That was true even if the driver of the truck was a union man?

Mr. BRADSHAW. That's correct.

Mr. KENNEDY. But the fact that he was outside the jurisdiction of your particular union, you made them take on another union man from your own union.

Mr. BRADSHAW. That is correct.

Mr. KENNEDY. Was this procedure followed with everyone? Was it followed with all subcontractors or all people driving trucks in?

Mr. BRADSHAW. Yes, sir, it was.

Mr. KENNEDY. Did the procedure ever change for any contractor?

Mr. BRADSHAW. Yes, sir; it did.

Mr. KENNEDY. Would you tell the committee about that, how it changed?

Mr. BRADSHAW. Sir, maybe I am getting into something I am not supposed to, on this phase of this.

Mr. KENNEDY. We will develop this matter, Mr. Bradshaw, and I want you to go on and tell us if you allowed any of the contractors or any of the drivers of the trucks to come through and what conversations you had.

Mr. BRADSHAW. There were a few different contractors that came in on the job and they didn't have to put men on and they went up on the job themselves.

Mr. KENNEDY. What happened? Did you try to stop them?

Mr. BRADSHAW. Well, I did stop them one time and I did have men on the trucks and then I had orders to let the trucks go through.

Mr. KENNEDY. Were you ever offered any money by any contractor to allow them to take their trucks through?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. Would you tell the committee about that.

Mr. BRADSHAW. Well, one outfit came in there and I was putting 2 or 3 men on every 6 trucks, and so everything ran smooth and the fellow was satisfied.

Then, one morning one of the business agents came up from 229.

Mr. KENNEDY. What business agent?

Mr. BRADSHAW. Joseph McHugh, and he said, "What's going on here, Paul?" And I told him and I said the trucks only took about 5 minutes to unload.

Mr. KENNEDY. You were not putting somebody on every truck and you were putting 2 on every 3 trucks?

Mr. BRADSHAW. Two for one, and we were letting them go through. So, Joe McHugh said, "No, Paul, we want a man on every truck." So I said, "You're the boss." So we put a man on every truck. The following day I got a phone call and a fellow said—

Mr. KENNEDY. Who was the person who called you?

Mr. BRADSHAW. A fellow by the name of Bittendorf, and he called and he said, "Paul, I am sick and tired of this stuff, the trucks being tied up and things like that. How about it if I give you \$200 a week and you let the trucks go through?"

So I said, "No. You can't give me no \$200 a week. We have too many men out of work in Scranton." I said, "If I let you go through

I would have to send home between 9 and 10 men a day for the next 9 or 10 months."

So he said, "O. K. What is the business agent's number?" And I gave him Joe McHugh's number, and the following day Joe McHugh came up on the job and he said, "Paul, we can't touch this outfit no more. Just let him go through. He has a big drag in Washington." And so he said, "You let him go through." That was the end of that and he went through for the rest of the job.

Mr. KENNEDY. He went through and you didn't put men on?

Mr. BRADSHAW. We didn't put any more men on his trucks and he came in for about 6 or 7 months.

The CHAIRMAN. Is that the same person who had offered you \$200 a week if you would let his trucks go through?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. After he went down and saw the business agent, thereafter his trucks did go through?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. And you were instructed not to place the extra men on there?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. Do you know what happened down there with the business agent?

Mr. BRADSHAW. Sir, I do, but I don't know about this. I am in a position here where I was told by one party not to say something and from another party to say it, and I don't know if I am coming or going here, to be honest with you on this.

The CHAIRMAN. You have a good idea what happened down there?

Mr. BRADSHAW. Yes, sir. I know the story.

The CHAIRMAN. You know the story?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. You might clear that up. Do you know where the source of power was here in Washington?

Mr. BRADSHAW. No, sir; I don't.

The CHAIRMAN. You did not get that information?

Mr. BRADSHAW. Well, no; I didn't sir. I didn't.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Did you find that, rather than a source here in Washington, it was money?

Mr. BRADSHAW. It was no source in Washington; that's right, sir.

The CHAIRMAN. That was the alibi for getting money, was it?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. And they got the money?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. You say this was a pattern that was followed in other instances, where initially you would be told to be tough with contractors and then received instructions from the business agent to lay off; is that right?

Mr. BRADSHAW. That's correct, sir.

Mr. KENNEDY. Now, was there any strong-arm methods used against any of the contractors while you were steward?

Mr. BRADSHAW. Quite a lot, sir; yes, sir.

Mr. KENNEDY. I want to discuss certain of the companies that were operating in Scranton; for instance, the El Rancho Dairy.

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. Did you have anything to do with the El Rancho Dairy?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. Could you tell the committee what happened on that?

Mr. BRADSHAW. Robert Malloy called me one morning and he said, "Paul, we are meeting down at the lunchroom and we are having some trouble with a milk concern in Scranton." And so he said, "We're going to go out and give the guy a bad time."

So we met at the lunchroom, and it must have been about 15 or 20 of us altogether, and 4 or 5 got in one car and 4 or 5 in another car, and we all had instructions to get around to each part of the town.

Some of the boys, including myself, the car I was in, we went up into the country. So we came in contact with one of the drivers, and we asked him about organizing and so, at the beginning, they said they didn't want to organize and he said he didn't want no part of the union.

So we had two gallon cans filled with kerosene with us, which Bob Malloy gave us and with instructions to pour it over the milk, the eggs, and the butter in the truck. When we went to do that the man said that he will join, he will join, and that was the end of that, and he did. He signed the slip to join the union.

The CHAIRMAN. How much did he pay?

Mr. BRADSHAW. He didn't pay nothing at the time, and he got in touch with the representatives of 229.

The CHAIRMAN. You mean he did not pay anything at that time?

Mr. BRADSHAW. No, sir.

The CHAIRMAN. But he signed up?

Mr. BRADSHAW. He said he would sign up, sir.

The CHAIRMAN. He agreed to?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. Did he, thereafter?

Mr. BRADSHAW. I think that he did.

The CHAIRMAN. You had no more trouble with him, at least.

Mr. BRADSHAW. I never did, sir, and I was never sent out any more.

Senator GOLDWATER. Might I ask a question there, Mr. Chairman, to get this situation clear. Did this driver own the stock that was on his truck, or did he own the milk and butter and eggs, or was it the property of the dairy?

Mr. BRADSHAW. It was the property of the dairy, sir, and he was a driver.

Senator GOLDWATER. What effect would pouring kerosene on the company's property have on a man you were trying to get to join the union?

Mr. BRADSHAW. Well, I guess he was just trying to protect the man's merchandise. That is about all I can say.

Senator McNAMARA. While you have an interruption, may I ask a few questions? How long have you been out of the union?

Mr. BRADSHAW. Out of the union, sir?

Senator McNAMARA. Yes.

Mr. BRADSHAW. Since 1954.

Senator McNAMARA. Since 1954?

Mr. BRADSHAW. Yes, sir.

Senator McNAMARA. Did you buy a truck at that time and get out of the union to become an owner?

Mr. BRADSHAW. No, sir. I was out of work for almost 2 years, sir, and the union wouldn't give me a job. After I come clean with everything at a few trials, they turned against me and wouldn't give me a job.

Senator McNAMARA. What were the circumstances, or how did you get in duteh, in other words, and what happened?

Mr. BRADSHAW. That I got in that position, sir?

Senator McNAMARA. Yes.

Mr. BRADSHAW. I was picked up and charged and brought to trial on a dynamiting job of a nonunion home being built in Scranton. I was picked up for 72 hours down in Wyoming Barracks by the State police, and I was charged and left out on bail. From there I was brought to trial. At the trial I was convicted of doing the actual dynamiting. But I didn't do the dynamiting. But I was one of the boys that did it, and I was with them. After that I was told if I took the rap I would be taken care of. So I kept quiet for, I would say, about 13 months, and in 13 months I wasn't taken care of and I borrowed money from every finance company in the city of Scranton and I raised grocery bills as high as four and five hundred dollars.

So finally I went to the business agents and they said, "Paul, we will take care of you." And the first job that opened up they put everybody that was involved in the dynamiting case to work, but the fellow that took the rap for it, myself. So I went into them and I blew my top and Bob Malloy said, "Paul, I have a job for you on the pipeline up in Troy, Pa."

So I said, "Troy? That is 100 miles away and why should I have gone 100 miles away when the rest of the boys are working 20 miles away and why should I have to go there?" I said, "I don't want no job up there and I want the job here with the boys. I haven't got any transportation," I said, "to be running up and down."

So finally Bill Munley called me up and he said, "Paul, I have to tell you something." He is the fellow that did the actual dynamiting, that set it off. And he said, "Paul, we had a meeting up at the Winter Manor and we were all told to let you talk"—with the business agents they had this meeting—"and for us to get on the stand and deny everything that you say because you are looking for money." And I said, "I am not looking for money. I am only looking for my family to be taken care of while I am in jail."

So Billy said, "Paul, it is a damn shame, and I am the guy that did the dynamiting and you're the guy who took the rap."

And he said, "But it is better you than me," and I said, "Well, thanks, Billy, I appreciate it," which I do today.

So then I went to John Durkin and I said, "John, I am in a bad spot, somebody has got to take care of me and someone has to take care of my family and you have to give me a job."

Well, right at that time, I had my home almost paid for and I lost my home and I had my father-in-law take it over. And my automobile, I had a \$3,600 car and I owed \$400 on that and I couldn't pay that and so the bank was taking the car and so my father-in-law

took that over, which he couldn't afford himself and he had a deformed girl and every nickel he had he put into her.

Anyhow, I went into Durkin and I explained it and he said, "Paul, I will see what I can do." And it went on a couple of more months and finally my little girl is coming home from school one day and she falls and she broke her glasses and so I went into John and I said, "John, I need \$40 for a pair of glasses. And don't forget it is only a little while ago my little girl got hit in the eye with a scissors and she lost her eye.

"Now," I said, "I need \$40 for a pair of glasses to protect the other eye because they were all scratched up." And he said, "Paul, don't bother me. We don't want nothing to do with you." And I said, "O. K. I'm going to the district attorney and you are all going to jail."

And he said, "Go ahead and go to the district attorney. We have him taken care of." And I said, "Mister, when I go, you haven't got nobody taken care of." And so a friend of mine by the name of Miss Helen Canfield, we made secret tape recordings, and after we got tape recordings made, I went to Phil Brady of the electrical union and I said, "Phil, the teamsters have given me the business and now it is up to you people, the laborers and the electricians and the carpenters union. Somebody has got to take care of my family."

"Paul," he said, "I will see what I can do for you and what do you owe?" And I said, "I hate to lose the car. If I had \$400 just to pay the car off, I would feel good." And he said, "Paul, I will see what I can do for you."

I said, "O. K., Phil, being you are a regular guy, I'll show you something." And I took him down to Miss Helen Canfield's apartment where we made the secret tape recordings and I said, "Phil, here it is. I have got tape recordings." I said, "You can all go to jail." "Now," I said, it is up to you, and you people didn't do any dirt to me and so it is your turn to show your faith in me and take care of my family."

"O. K.," he said, "Paul, I will." I didn't hear nothing from Phil Brady for a couple of weeks and so I called him and said, "Phil, what goes?" and he said, "I'll see you down at the end of Scranton, the last beer garden at the outskirts of Scranton." And so he came down there and he said, "Paul, we are not going to take care of you. Your own outfit is doublecrossing you and why should we take care of you?"

And I said, "O. K., Phil, you're all going to jail." and I walked out.

When Durkin told me he had the district attorney taken care of and the power John Durkin had in the city of Scranton, I figured he did, and so I went to a newspaperman by the name of J. Harold Brislin from the Scranton Tribune—Scrantonian—and I told him what I had and I turned them over to him.

When I turned the recordings over to Harold, I told him the story right down the line, all but the business agents being involved in it. I told him how us boys went down and the business agents didn't want no part of the actual dynamiting, and there was a fellow by the name of Robert Hubshman's own idea to do the actual dynamiting.

So I gave him the story and he took it in my presence to the district attorney's office.

Senator GOLDWATER. Could I ask a question?

Senator McNAMARA. I had a couple more, but I will be glad to yield.

Senator GOLDWATER. Go ahead.

Senator McNAMARA. In answer to the questions of the chief counsel, you indicated the change in the method of selecting stewards from being elected by the people on the job, to an appointed steward.

Was that generally done or just on your job?

Mr. BRADSHAW. Sir, that didn't happen until Bob Malloy was made business agent and after he got in on his term that was put into motion.

Senator McNAMARA. Was the steward actually a representative of the business agent in any event, whether he was elected or appointed?

Mr. BRADSHAW. He was selected or appointed and his job was to get in touch with the business agent if there was anything on the job that he couldn't straighten out and his job was to call the business agent and have him come out and straighten it out.

Senator McNAMARA. Is that not generally so with stewards on construction jobs?

Mr. BRADSHAW. Yes, sir.

Senator McNAMARA. There is nothing unusual about that?

Mr. BRADSHAW. No, sir.

Senator McNAMARA. You made some mention of beating up of people. You said that some other fellow was instructed to beat up an individual and how do you know this? Were you there?

Mr. BRADSHAW. Yes; I was there.

Senator McNAMARA. And you heard the instructions to beat him up?

Mr. BRADSHAW. Yes, sir.

Senator McNAMARA. And other times you were instructed to beat him up; and you did?

Mr. BRADSHAW. Beat them up, sir?

Senator McNAMARA. Beat other people up.

Mr. BRADSHAW. I never beat anybody up; no, sir.

Senator McNAMARA. Well, you indicated that they asked you to beat people up.

Mr. BRADSHAW. Yes, sir.

Senator McNAMARA. And you did not do it?

Mr. BRADSHAW. No, sir.

Senator McNAMARA. You do know other people that voted 6 or 7 times; like you did?

Mr. BRADSHAW. Yes, sir.

Senator McNAMARA. And you voted 6 or 7 times?

Mr. BRADSHAW. Yes, sir.

Senator McNAMARA. Why did you vote 6 or 7 times?

Mr. BRADSHAW. Because we wanted Bob Malloy in office.

Senator McNAMARA. But you must have known that it was wrong?

Mr. BRADSHAW. We knew it was wrong, certainly we did.

Senator McNAMARA. I cannot understand it. You now, apparently are taking the position that these things are bad, and you say you cooperated and you participated in them. I do not understand why a member of the union who has any interest in the union or the business or the industry involved, as you certainly had, why you would do these kinds of things. It just escapes me. Why did you vote 6 or 7 times?

Mr. BRADSHAW. Well because——

Senator McNAMARA. You knew it was wrong.

Mr. BRADSHAW. Yes, sir, and we figured if Bob Malloy was in office, we would get good jobs, which we did.

Senator McNAMARA. You mentioned the building trades somewhere along in your conversation, just incidentally. That is in connection with subcontractors on the job. What was the type of the job, general construction or was it road jobs or what?

Mr. BRADSHAW. It was a building construction, Tobyhanna Signal Corps Depot that I am referring to.

Senator McNAMARA. When you say subcontractors, you mean other than the general contractors and you are referring to electrical and plumbing and such contractors?

Mr. BRADSHAW. That is correct, under the general contractor.

Senator McNAMARA. What would be the object of the teamsters union giving the subcontractors on the job a hard time?

Mr. BRADSHAW. Well, sir, on this job that we were doing, the general contractor was Merritt, Chapman & Scott and he himself didn't have any equipment outside of a couple of pickup trucks, but all of his subcontractors had all of the equipment to do the job with.

Senator McNAMARA. You mean you couldn't give Merritt, Chapman & Scott a hard time because he had nothing that you fellows had control over and you had to do it with the subs, is that right?

Mr. BRADSHAW. To get some of the subcontractors in line, they used to go to the project manager of Merritt, Chapman & Scott to get him in line, too, anytime they would have any trouble or they would pull the whole job.

Senator McNAMARA. Then, your instructions were to give the subcontractors a hard time, and by inference, to lay off Merritt, Chapman & Scott, is that the situation?

Mr. BRADSHAW. No, sir; I never had any orders to lay off Merritt, Chapman & Scott, neither, no.

Senator McNAMARA. But you put emphasis on the fact that your instructions were to give the subcontractors a hard time.

Mr. BRADSHAW. That's correct.

Senator McNAMARA. Not the general contractor?

Mr. BRADSHAW. I never had orders to give Merritt, Chapman & Scott a hard time.

Senator McNAMARA. That was your inference, and I do not know the point. Why should you particularly pick on the subcontractors rather than the general? What is the point of it?

Mr. BRADSHAW. As I told you, subs had the equipment and Merritt, Chapman & Scott was the general contractor and he didn't have the equipment.

Senator McNAMARA. The philosophy of these people was to give everybody they could a hard time?

Mr. BRADSHAW. That's correct.

Senator McNAMARA. To what end?

Mr. BRADSHAW. I don't know, sir.

Senator McNAMARA. You do not know?

Mr. BRADSHAW. My job was done after I gave them a hard time, sir.

Senator McNAMARA. What is that?

Mr. BRADSHAW. After I gave them a hard time my job was done.

Senator McNAMARA. You do not know why you were doing it?

Mr. BRADSHAW. Well, I had orders to do it.

Senator McNAMARA. You had orders to vote 6 or 7 times, and you had orders to give subcontractors a hard time and you gave them a hard time?

Mr. BRADSHAW. That's correct.

Senator McNAMARA. I do not understand it. Did you voluntarily join this union?

Mr. BRADSHAW. Yes, sir.

Senator McNAMARA. Your actions in those days make no sense to you now, do they?

Mr. BRADSHAW. Well, sir, at the time the union to me was like a religion and I loved the movement and after I got the business from these fellows I have got no use for these fellows. But as far as the union is concerned I think it is the greatest in the world. I always will.

Senator McNAMARA. You do not think it is a great thing for the trucking contractors, and now you are a contractor or a trucker.

Mr. BRADSHAW. Well, I drive my own truck, sir. If I had another truck, I would put a union man on it.

Senator McNAMARA. If you had 50 of them, you would have a hard time because people like you would be giving you a hard time like you used to.

Mr. BRADSHAW. That is probably it, sir.

Senator McNAMARA. It hardly adds up. You are talking about extra help. That was done or you put on the trucks in some instances 1, and in some instances 1 to each truck, and in some instances 1 to every 2 trucks.

This fellow did help to unload the truck and what would be the nature of the load? Was it bricks or what?

Mr. BRADSHAW. No, sir, there were two brick trucks came in and we didn't have to put a man on him, because he would just pick up the hoist and dump his own load.

But the other stuff was all Army equipment and Army material and that was the stuff that was being unloaded and it belonged to the United States Army, going into the United States depot.

Senator McNAMARA. Ordnance stuff?

Mr. BRADSHAW. Yes, sir.

Senator McNAMARA. For storage in this plant?

Mr. BRADSHAW. Into the buildings, yes, sir.

Senator McNAMARA. That was the material that you were handling and not the building material when you were there?

Mr. BRADSHAW. We handled the building equipment, too, the building contractors building the job and we handled his material, too.

Senator McNAMARA. When they said to you that certain people were all right because they had connections in Washington and they had power in Washington, did you assume this to be a political thing or a union thing?

Mr. BRADSHAW. Well, sir, I was approached first, and so I knew it was nothing out of Washington or no other place. I figured that they took what I refused, that is all. I forgot about it.

Senator McNAMARA. You don't know that, but you assumed it? You did not see them take it?

Mr. BRADSHAW. Yes, sir; I did.

Senator McNAMARA. You saw them take the \$200?

Mr. BRADSHAW. Yes, sir; I did.

Senator McNAMARA. That you refused?

Mr. BRADSHAW. Yes, sir; I refused.

Senator McNAMARA. You saw them take it?

Mr. BRADSHAW. Yes, sir; I saw them take it.

Senator McNAMARA. You told the district attorney that?

Mr. BRADSHAW. Higher people than the district attorney. There is higher people that know that.

Senator McNAMARA. But you told the district attorney that you saw them pay off this \$200?

Mr. BRADSHAW. No, sir; I was told by other people not to tell the district attorney because it wasn't in his jurisdiction, and his job, and this thing belonged to the Federal Government.

Senator McNAMARA. And you did tell it to those you considered the proper officials?

Mr. BRADSHAW. The Federal officials.

Senator McNAMARA. The proper officials, whether Federal or otherwise.

Mr. BRADSHAW. Yes; I did.

Senator McNAMARA. Did you go to jail because of this dynamiting?

Mr. BRADSHAW. No, sir.

Senator McNAMARA. What happened? You were found guilty, you say?

Mr. BRADSHAW. Yes, sir.

Senator McNAMARA. Then because of your cooperation you didn't go to jail?

Mr. BRADSHAW. No, sir; I am awaiting now for sentence, and I am a witness for the Commonwealth.

Senator McNAMARA. You are a witness for who?

Mr. BRADSHAW. The Commonwealth of Pennsylvania.

Senator McNAMARA. This is at the State level and not the Federal level.

Mr. BRADSHAW. Yes, sir.

Senator McNAMARA. You are indicted in a State court?

Mr. BRADSHAW. Yes, sir.

Senator McNAMARA. That is all Mr. Chairman.

The CHAIRMAN. I would like to clear up one thing here, Senator, if you will pardon me. You said something about giving them a hard time to get the subcontractors in line. What do you mean by "getting them in line"?

Mr. BRADSHAW. Sir, as I said, they were the ones that had the equipment on the job and they were the ones who were going to hire all of the men needed on the job to do the work. When they would come in, my orders were, "Don't let them carry a water pail on their truck and don't let them go for coffee in their truck without a driver, and make sure they have a driver."

The CHAIRMAN. To force them to use union members?

Mr. BRADSHAW. That is correct.

The CHAIRMAN. And did "getting them in line" also mean that they were to pay off?

Mr. BRADSHAW. Well, sir, I don't know what happened on that.

The CHAIRMAN. I am asking you, and I do not know, and I want to clear up what you mean by "getting them in line." You gave them a hard time to get them in line, and in line with what?

Mr. BRADSHAW. To do everything on the union level, that they would have to obey union law.

The CHAIRMAN. In other words, to unionize and to hire only union laborers and so forth?

Mr. BRADSHAW. That is correct.

The CHAIRMAN. That is what you meant by "getting them in line"?

Mr. BRADSHAW. That is right.

The CHAIRMAN. Thank you very much.

Senator GOLDWATER. Mr. Bradshaw, I believe you testified that you did not go to the district attorney because you were told that the district attorney had been fixed?

Mr. BRADSHAW. That is correct, sir.

Senator GOLDWATER. Do you think that some of the public officials in Scranton or in that county had knowledge about the dynamiting case before you told it to this reporter?

Mr. BRADSHAW. Yes, sir; they knew the whole story, just about.

Senator GOLDWATER. Could you name any official that had knowledge of it?

Mr. BRADSHAW. Well, sir, the fellows, the three business agents that went over on the job, they went over and threatened the contractor. They were brought in for questioning. Then it was dropped and the newspapers, the Scranton Times, picked it up, and they made an issue out of it, and that went on for months before the district attorney done anything about it. Then he got in. Then the people of Scranton started to holler for the State police to get in on it and it took a few months for them to get in on it. After they got in on it, I was picked up.

Senator GOLDWATER. I was not talking about the business agents. I am talking about public officials. For instance, were there any men in public office who tried to influence you, who tried to get you to lay off this case?

Mr. BRADSHAW. Do you mean to keep my mouth shut?

Senator GOLDWATER. Yes.

Mr. BRADSHAW. No, sir; I wouldn't say there was.

Senator GOLDWATER. Did you ever talk to an elected public official in the city of Scranton who urged you to wait until after the elections?

Mr. BRADSHAW. Yes, sir; I did.

Senator GOLDWATER. Would you tell us who he was?

Mr. BRADSHAW. It was the mayor of the city of Scranton, sir.

Senator GOLDWATER. What is his name?

Mr. BRADSHAW. James Hanlon.

Senator GOLDWATER. In other words, the mayor asked you to hold off any reporting until after the city elections; is that correct?

Mr. BRADSHAW. Yes, sir.

Senator GOLDWATER. Were there any other people in elected office who tried to influence you to keep your mouth shut?

Mr. BRADSHAW. Not that I can think of offhand, sir.

Senator GOLDWATER. Is this gentleman still the mayor of Scranton?

Mr. BRADSHAW. Yes; he is, sir.

Senator GOLDWATER. He is the mayor?

Mr. BRADSHAW. Yes, sir.

Senator GOLDWATER. Did he become involved in any way in this case when it came before the courts?

Mr. BRADSHAW. No, sir.

Senator GOLDWATER. Is it general knowledge in Scranton that the mayor approached you and asked you to keep your mouth shut?

Mr. BRADSHAW. No, sir.

Senator GOLDWATER. This is the first time you have related that incident?

Mr. BRADSHAW. I think I mentioned it to Mr. Duffy of the Senate Investigating Committee, and J. Harold Brislin, of the Scranton Tribune. I told them about it.

Senator GOLDWATER. I have no other questions.

The CHAIRMAN. Senator Ives?

Senator IVES. Mr. Bradshaw, I want to turn my attention to another matter a little bit. How long were you a member of the particular local?

Mr. BRADSHAW. Eight years.

Senator IVES. Eight years? Until 1954?

Mr. BRADSHAW. That is correct, sir.

Senator IVES. During that period of time, I assume you attended meetings of the local?

Mr. BRADSHAW. Yes, sir.

Senator IVES. How frequently were those meetings held?

Mr. BRADSHAW. Two a month, sir.

Senator IVES. Were you regular in your attendance?

Mr. BRADSHAW. I made one of them; yes, sir.

Senator IVES. You what?

Mr. BRADSHAW. I used to make one of them a month; yes, sir.

Senator IVES. I want to ask another question in that connection. How is the attendance at those meetings?

Mr. BRADSHAW. Very small, sir. Very small.

Senator IVES. How many were in your local, for example?

Mr. BRADSHAW. I think there are about 3,200.

Senator IVES. 3,200 in your local?

Mr. BRADSHAW. Yes, sir.

Senator IVES. How many were in meetings, on the average, per month?

Mr. BRADSHAW. I have seen meetings there where there would be only as much as maybe 15.

Senator IVES. 15?

Mr. BRADSHAW. Yes, sir.

Senator IVES. Out of 3,200?

Mr. BRADSHAW. Yes, sir.

Senator IVES. Have you any answer to the question I raise now and that is: Why was there no larger attendance?

Mr. BRADSHAW. Well, sir, of all the people I have talked to, all the working men in the teamsters union, they all tell me it was no use going to the meetings and that is why they didn't go.

Senator IVES. Why is it no use to go to the meetings?

Mr. BRADSHAW. They said they never got no satisfaction.

Senator IVES. What were they trying to seek? They had 3,200 in the local, and if the majority of them acted together they certainly could vote something. Do you mean they had a lot of goons at the meetings?

Mr. BRADSHAW. Well, sir——

Senator IVES. And that they did not dare go?

Mr. BRADSHAW. Well, I don't know about that, sir; but lots of them just didn't have interest.

Senator IVES. This is rather interesting, because this is the crux of the whole question. If members of organized labor in the union took an active part in their local, consistently, and stayed through their meetings, you would not have conditions such as you have there in Scranton, would you?

Mr. BRADSHAW. No, sir.

Senator IVES. Is that not the answer?

Mr. BRADSHAW. That is the big problem there; yes, sir.

Senator IVES. And all the laws we can enact in kingdom come will not make the members attend the meetings, will they?

Mr. BRADSHAW. Not if the membership do not attend the meetings; no, sir.

Senator IVES. What do you think the answer is?

Mr. BRADSHAW. I think the men should attend the meetings, and when a motion is made to rule on it, for it or against it.

Senator IVES. Do you think government can step in there and make it more palatable for them to be present by policing them?

Mr. BRADSHAW. Sir, I wouldn't know. I couldn't answer that.

Senator IVES. I would hate to see that happen. It would take freedom away from labor itself.

Mr. BRADSHAW. I just think the men themselves should attend the meetings, sir.

Senator IVES. I do, too. That is why I am trying to figure out how to get them there. Apparently they are scared to go, and if they are scared and do go, they do not say anything. I have received a great number of communications on this from all quarters of the country. I have not received the answer yet, and I wondered if you have. You had 8 years of practical experience in this thing, apparently serving in one capacity or another, either doing the beating up or serving as a teamster yourself, is that correct?

Mr. BRADSHAW. That is right.

Senator GOLDWATER. May I ask a question? Mr. Bradshaw, this is a question along the lines of Senator Ives. You related that you joined the union movement when you came back from World War II and you joined it voluntarily.

Mr. BRADSHAW. Sir, it was hard to join it. I went down—I got out of the Army and I went down on a job outside of Scranton and the jurisdiction was out of Wilkes-Barre. Sweeney was a contractor out of Scranton, so he put me to work.

The union official from Wilkes-Barre came up and knocked me out of the job and told me to go back to Scranton. I went in to Tony Bonacuse, the business agent for the local union, and I told him about it. He said, "There is nothing I can do about it." I said, "How about getting me in your union?" He said, "If a job opens up, come in and see me."

When a job opened up, I went into see Tony, the Brewster job, and I went in to see him and he said, "I have a lot of men out of work. I can't do nothing for you." So I said, "All right."

So myself and a few other fellows, we went in to the Veterans' Administration, and we talked to a fellow by the name of Hopkins. He called Tony Bonacuse, and Tony Bonacuse called me and the other

three fellows and sent us to Tobyhanna. We worked on the job and we got into the laborer's union on that job.

Senator GOLDWATER. You wanted to join the union?

Mr. BRADSHAW. Yes, sir.

Senator GOLDWATER. You saw an advantage of belonging to a union?

Mr. BRADSHAW. Yes, sir.

Senator GOLDWATER. You had a hard time getting into the union?

Mr. BRADSHAW. Yes, sir.

Senator GOLDWATER. Did other friends of yours in that area have the same experience?

Mr. BRADSHAW. Yes, sir. There are a lot of fellows trying to get into the union that can't get into the union.

Senator GOLDWATER. Let me ask you, and this has no particular relation to the questions we have been discussing, but I think it is one way of trying to clear up the question of union attendance. Suppose that membership in unions was a completely voluntary thing. In other words, there were no closed shops, no union shops, no requirements that a man had to belong to a union, but men who wanted to belong could join. Do you not think that the attendance at meetings might be better and that ultimately the unions themselves would be stronger because of men belonging on a voluntary basis and not having to belong?

Mr. BRADSHAW. Well, sir, I think it is a free country, a man should do what he wants to do. I think if he wants to join a union, he should join. If he does not want to, he shouldn't have to.

Senator GOLDWATER. I agree with you there. I think that is a very intelligent approach, coming from a man who likes unions as you do.

Mr. BRADSHAW. I love them, sir. It is just like my religion to me.

Senator GOLDWATER. I think that working people should like unions, even after what has been exposed here in the last month or two. But I am glad that you agree with me that people in this country are free and if they want to join unions they should, and if they do not want to join unions they should not have to. I really think, and this is serious, I think that with reflection by union people, union leaders, they would find that the voluntary approach will ultimately result in more members, in stronger unions, and in better attended meetings.

You cannot force anybody to go to a meeting; can you?

Mr. BRADSHAW. No, sir.

Senator GOLDWATER. That is all I have.

Senator IVES. May I follow that up, Mr. Chairman?

The CHAIRMAN. Senator Ives.

Senator IVES. Mr. Bradshaw, do you think that people that derive benefit from the efforts that are made by unions in their behalf are in some ways obligated to those unions?

Mr. BRADSHAW. Well, if you—

Senator IVES. In other words, when you joined the union, you joined because you believed in it, I assume.

Mr. BRADSHAW. Certainly, sir.

Senator IVES. Did you not get some benefit out of it?

Mr. BRADSHAW. Definitely.

Senator IVES. Do you not think you had an obligation to the union as a result of that?

Mr. BRADSHAW. Yes, sir.

Senator IVES. Do you not think that all people who derive benefits from unions have an obligation to those unions to a certain extent?

Mr. BRADSHAW. Yes, sir.

Senator IVES. That is what is meant by a union shop in simple terms, and that is why we have that in the law, because there is that obligation. It is a moral obligation, as it were. If you take that away, you will have the open shop.

Are you in favor of the open shop, or do you not know what the open shop is?

Mr. BRADSHAW. Well, the open shop is if a man wants to join a union he joins it, and if he doesn't, he doesn't. As I said to Senator Goldwater, I think it is a free country, and let a man join a union if he wants to and if he doesn't—

Senator IVES. You do not think that people that benefit from union effort have any obligation to a union?

Mr. BRADSHAW. I don't think so.

Senator IVES. You do not.

Well, thank you very much. That is a very interesting commentary.

The CHAIRMAN. May I ask you this question, if you now believe in, and I think you practice it, if you now believe in the use of violence and force to compel people to join the union?

Mr. BRADSHAW. No, sir; I don't think they should have any violence or force; no, sir.

The CHAIRMAN. You do not think that is right?

Mr. BRADSHAW. No, sir.

The CHAIRMAN. Are there any other questions?

Senator McNAMARA.

Senator McNAMARA. On that point, apparently there was no force or violence used to make you join the union?

Mr. BRADSHAW. No, sir.

Senator McNAMARA. It was quite the reverse. You had to fight your way into it.

Mr. BRADSHAW. That is right.

Senator McNAMARA. So from your experience, there is no such thing as being forced to join the union, but it is quite the reverse. It was a privilege to join as far as you were concerned?

Mr. BRADSHAW. That is right, sir.

Senator GOLDWATER. We heard a little testimony about 2 gallons of kerosene being used to influence another man to join. I think you, in spite of what you may or may not have done, are the type of union member that unions should have. You go to the meetings, you are interested in it, you join of your own free volition, and leaving out some of the things that you might have done that we do not know about, you are probably a darn good union member.

Mr. BRADSHAW. I was a good member.

The CHAIRMAN. Mr. Counsel?

Mr. KENNEDY. We will discuss now, Mr. Bradshaw, another subject.

Were there any steps taken with sugar? Did you deal with sugar at all, using sugar at all to try to make a contractor come around?

Mr. BRADSHAW. There was a highway job outside the city of Scranton. There was a mass demonstration of pickets. There were as high as about 1,800 to 2,000 men come out.

Mr. KENNEDY. Which job is this?

Mr. BRADSHAW. The Keeler job, out in Moscow, Pa.

Mr. KENNEDY. How do you spell that?

Mr. BRADSHAW. I don't know.

Mr. KENNEDY. Is it with a "K"?

Mr. BRADSHAW. Yes.

Mr. KENNEDY. How do you pronounce it?

Mr. BRADSHAW. Keeler.

Mr. KENNEDY. There was mass picketing there?

Mr. BRADSHAW. Yes, sir, there was mass picketing on that job.

Mr. KENNEDY. Was there sugar used at that time?

Mr. BRADSHAW. Yes, sir; there was sugar used.

Mr. KENNEDY. How did you use the sugar?

Mr. BRADSHAW. I didn't use it.

Mr. KENNEDY. How was sugar used?

Mr. BRADSHAW. It was poured into a roller and into a bulldozer on the job. I know for sure the roller and I heard about the bulldozer. I don't know if it really happened or not to the dozer, but it did to the roller.

Mr. KENNEDY. Was there also discussion about putting sugar in the gas tank at that place?

Mr. BRADSHAW. Yes, sir; there was.

Mr. KENNEDY. And that was also to make the contractor join the union, become a union job; is that correct?

Mr. BRADSHAW. That is correct.

Mr. KENNEDY. What about the Taton Trucking Co.? Did you have anything to do with that?

Mr. BRADSHAW. I was with them; yes, sir. I was called by Bob Malloy, and 4 or 5 of us went up on the job, up where this fellow has his trucks, and we had orders to leave the air out of the tires, and pull the pins on the fifth wheel, so that when the fellow would get in the truck and pull out the fifth wheel would unhook and the trailer would take a nosedive and the tractor would keep going, and he would have a heck of a time hoisting the trailer back up.

Mr. KENNEDY. Did you take the air out of some of the tires?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. Did you undo the fifth wheel?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. And the trailer fell off?

Mr. BRADSHAW. That is correct.

Mr. KENNEDY. Did they ultimately join the union?

Mr. BRADSHAW. Well, I think they were union people at the time. But there was a dispute between their local and 229.

Mr. KENNEDY. Do you mean the teamsters local that they were a member of, that your business agent Malloy was having a dispute—

Mr. BRADSHAW. No, this was over-the-road. This was Joe McHugh. He had a dispute with Taton's and the local which Taton's drivers were working out of.

Mr. KENNEDY. This was a dispute between two teamster local unions?

Mr. BRADSHAW. That is the way I had it to understand, yes.

Mr. KENNEDY. And the trucking company was the member of the other union, and to try to cause them trouble you people went up and let the air out of the tires?

Mr. BRADSHAW. The purpose of causing the trouble was to get drivers out of the Scranton local on them trucks. Joe McHugh figured them jobs belonged out of the Scranton local at the time.

Mr. KENNEDY. So that was a jurisdictional job you had between two teamsters locals?

Mr. BRADSHAW. That is correct.

Mr. KENNEDY. What about the Ryan job? Did you have anything to do with that?

Mr. BRADSHAW. Yes, sir. That was another mass picketing job. That was out of Scranton.

Mr. KENNEDY. What happened to that?

Mr. BRADSHAW. That was about 8 miles out of Scranton. We had orders to go up on the job.

Mr. KENNEDY. You were working at Tobyhanna at the time?

Mr. BRADSHAW. I was working at Tobyhanna at the time. I had orders to pull all the men off the job at Tobyhanna. The teamsters pulled all their men, the laborers pulled all their men, the electricians done the same thing, and went up on this job. The engineers did the same thing. We went up on the job, and I think the papers estimated the crowd to be close to 3,000 men.

Mr. KENNEDY. There were about 3,000 pickets?

Mr. BRADSHAW. That is correct.

Mr. KENNEDY. And at the Ryan job, working for Ryan, there were about 45 men, is that right?

Mr. BRADSHAW. I would say that is about right.

Mr. KENNEDY. So you had 3,000 pickets and there were about 45 employees?

Mr. BRADSHAW. That is right, yes, sir.

Mr. KENNEDY. And what sort of things did you do up there? Were there also pickets or did you understand that pickets were brought in from outside the States?

Mr. BRADSHAW. That is correct, sir.

Mr. KENNEDY. That there were some goons brought in from New Jersey?

Mr. BRADSHAW. That is correct, sir.

Mr. KENNEDY. Did they come in with guns? Did you also understand that?

Mr. BRADSHAW. I understood that.

Mr. KENNEDY. Did you see some of them with guns?

Mr. BRADSHAW. There was a crap table there and every time some of the boys would bend over to pick up the dice, the guns would show; yes, sir. I seen it real good.

Mr. KENNEDY. Was there anybody beat up or was there any destruction of property at the Ryan mass picketing?

Mr. BRADSHAW. We walked through the job and we walked in front of all the equipment. There would be a dozer there and maybe 30 or 40 of us would walk in front of the dozer and we would stop it. Then a couple of trucks would come in on the job and we would stop the trucks, pull the wires out of the motor, off the plugs and the ignition, and let the air out of the tires. That was about all.

Mr. KENNEDY. Just caused them some difficulty?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. Was there also a bridge near there that one of the employees of Mr. Ryan was dangled over the bridge?

Mr. BRADSHAW. Well, he was put up on the bannister of the bridge, yes, sir. A couple of the boys put him up and showed him the bottom of the river.

Mr. KENNEDY. Showed him the bottom of the river? Did they dangle him over it a little bit?

Mr. BRADSHAW. I wouldn't say they dangled him over it, but they had him on the top of it pretty good.

The CHAIRMAN. Back to the guns and the folks who were brought in from the outside. Are those the ones that carried the guns?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. How many were there?

Mr. BRADSHAW. I understood at the time, sir, that there was about 5 or 6.

The CHAIRMAN. Did you see some of them?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. You know they were there?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. You know they had the guns?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. Were those guns exhibited when they walked out on the job to intimidate?

Mr. BRADSHAW. No, sir, not that I know of. No, sir.

The CHAIRMAN. They were not used out there openly?

Mr. BRADSHAW. No, sir.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Mr. Chairman, I would like to put another witness on at this time.

The CHAIRMAN. Are there any further questions of this witness?

Mr. KENNEDY. Mr. Bradshaw will be recalled.

The CHAIRMAN. Mr. Bradshaw, you may stand aside for the present.

Call the next witness.

You are not excused, Mr. Bradshaw. You will be recalled.

Mr. KENNEDY. Mr. Ryan?

The CHAIRMAN. You will be sworn, please, sir.

You do solemnly swear that the evidence you shall give before this Senate Select Committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RYAN. I do.

TESTIMONY OF WILLIAM RYAN, ACCOMPANIED BY COUNSEL, FRANK A. WHITSETT

The CHAIRMAN. Be seated.

Mr. Ryan, state your name, your place of residence, and your business or occupation.

Mr. RYAN. William Ryan. I live in Clearfield, Pa. I am a highway contractor.

The CHAIRMAN. How long have you been a highway contractor?

Mr. RYAN. Close to 34 years.

The CHAIRMAN. You are still in that business?

Mr. RYAN. Yes, sir.

The CHAIRMAN. Mr. Ryan, have you talked to members of the committee staff regarding the information that you may have?

Mr. RYAN. Yes, I have.

The CHAIRMAN. You know, then, generally, the line of questioning to expect, do you?

Mr. RYAN. Yes.

The CHAIRMAN. You also have been advised that under the rules of the committee you have a right to have counsel present while you testify, counsel of your own choice, to advise you with respect to any of your legal rights?

Mr. RYAN. Yes, sir.

The CHAIRMAN. Have you elected to have counsel represent you?

Mr. RYAN. Yes, I have.

The CHAIRMAN. Counsel, will you please identify yourself for the record?

Mr. WHITSETT. My name is Frank A. Whitsett. I am an attorney from Clearfield, Pa.

The CHAIRMAN. Thank you very much.

Proceed, counsel.

Mr. KENNEDY. Mr. Ryan, in the summer of 1953, you were constructing some roads outside of Scranton, Pa., is that right?

Mr. RYAN. Yes, sir.

Mr. KENNEDY. That was 7½ miles of road, at a value of approximately \$1,800,000?

Mr. RYAN. That is correct.

Mr. KENNEDY. And you were using approximately 45 employees?

Mr. RYAN. Yes.

Mr. KENNEDY. And they were nonunion, is that right?

Mr. RYAN. Yes.

Mr. KENNEDY. On September 11, 1953, were you approached by certain union officials?

Mr. RYAN. Yes.

Mr. KENNEDY. Would you tell the committee how they approached you?

Mr. RYAN. Well, they drove past me and across the road and stopped me on a narrow road that run parallel to our new highway contract.

Mr. KENNEDY. They drove in front of you, is that right?

Mr. RYAN. Yes.

Mr. KENNEDY. So you had to stop your car?

Mr. RYAN. That is right.

Mr. KENNEDY. Go ahead.

Mr. RYAN. And they got out and came over to my car and introduced themselves.

The CHAIRMAN. Will you speak a little louder or get the mike closer? I am having difficulty following you.

Mr. RYAN. They introduced themselves and told me that they represented different unions from the Scranton area, and they wanted me to sign up a contract for this job that we were just starting.

Mr. KENNEDY. That was Mr. Bartell? Did he introduce himself as Mr. Joe Bartell?

Mr. RYAN. Yes.

Mr. KENNEDY. What was his position?

Mr. RYAN. He was president of the Scranton Building Trades Council, and a business agent for the carpenters.

Mr. KENNEDY. And then Mr. L. E. Ross, he was also of the carpenters?

Mr. RYAN. He was with the carpenters.

Mr. KENNEDY. And Mr. Robert Malloy of the teamsters, is that right?

Mr. RYAN. That is correct.

Mr. KENNEDY. They told you at that time that they wanted you to become union?

Mr. RYAN. That is right.

Mr. KENNEDY. Did they say they wanted to meet you by a certain date, or otherwise they would cause you trouble?

Mr. RYAN. They give me until the following Tuesday to meet with them, or they said they would come out and close our job down.

Mr. KENNEDY. So by that date, by the following Tuesday, did you make arrangements to meet with them?

Mr. RYAN. On the following Tuesday, I made arrangements to meet them.

Mr. KENNEDY. On September 23?

Mr. RYAN. On September 23.

Mr. KENNEDY. Did you go in to meet them on that date at the Hotel Casey in Scranton, Pa.?

Mr. RYAN. Yes.

Mr. KENNEDY. You met with them at that time?

Mr. RYAN. Yes.

Mr. KENNEDY. Was Bartell there, the same group, at that time?

Mr. RYAN. Yes.

Mr. KENNEDY. And did they tell you at that time that unless you became union they would put pickets and close your place down?

Mr. RYAN. They said they would close our job down.

Mr. KENNEDY. Was there anything else said to you or said to anyone else that indicated that you would have a good deal of trouble?

Mr. RYAN. Well, Mr. Bartell told one of the men at the meeting, he said, "You have a good job and won't get hurt."

Mr. KENNEDY. That man did not have a contracting job?

Mr. RYAN. That is correct.

Mr. KENNEDY. He just was the secretary of the association, but he was not actually a contractor?

Mr. RYAN. That is right.

Mr. KENNEDY. So he said, "You have a good job,"—go ahead.

Mr. RYAN. "You won't get hurt."

"But," he said, "these other two fellows," pointing to my brother and I, he said, "they are going to get hurt and get hurt bad."

Mr. KENNEDY. Did you sign up at that time?

Mr. RYAN. No; we didn't.

Mr. KENNEDY. What occurred? Did you on October 8 start to have difficulty with the union?

Mr. RYAN. On October 8 they brought out—

Mr. KENNEDY. They what?

Mr. RYAN. They brought a large mob of men out to our job.

Mr. KENNEDY. About 3,000 pickets?

Mr. RYAN. That is what we estimated it at; yes.

Mr. KENNEDY. Did some of them have clubs?

Mr. RYAN. Well, sometimes, through the goings-on, I saw them with clubs, and wire, and iron rod.

Mr. KENNEDY. You saw them also with iron rods, clubs, and wire; is that right?

Mr. RYAN. That is right.

Mr. KENNEDY. Did they cause difficulty to your trucks?

Mr. RYAN. They stopped our operation completely.

Mr. KENNEDY. You could not get in or out of your place?

Mr. RYAN. No.

Mr. KENNEDY. Did you secure an injunction to their activities?

Mr. RYAN. We secured an injunction on the 14th of October.

Mr. KENNEDY. And did they continue to harrass you after that date?

Mr. RYAN. Yes; they did.

Mr. KENNEDY. So the injunction did not stop them at all?

Mr. RYAN. No.

Mr. KENNEDY. On the 16th of October, there were some trucks on a bridge. Do you remember that incident?

Mr. RYAN. Yes; I do.

Mr. KENNEDY. What happened to that?

Mr. RYAN. Our subcontractor was bringing in two trucks to the job with some equipment, and this group of men went out onto the bridge and pulled the wires off the motor, let the air out of the tires, and disabled the trucks.

Mr. KENNEDY. They threatened the drivers at the same time?

Mr. RYAN. I understand they did.

Mr. KENNEDY. You were told that; is that right?

Mr. RYAN. Yes.

Mr. KENNEDY. And, just prior to this occurring, did you see Joe Bartell, the teamsters' representative, talking to this group of men?

Mr. RYAN. Yes.

Mr. KENNEDY. Just prior to this occurrence; is that right?

Mr. RYAN. Yes.

Mr. KENNEDY. That is all, Mr. Chairman.

Senator IVES. Mr. Chairman, I would like to ask a question.

The CHAIRMAN. Senator Ives?

Senator IVES. Mr. Ryan, are you still in the contracting business?

Mr. RYAN. Yes, sir.

Senator IVES. Are you still in this kind of contracting business?

Mr. RYAN. Yes, sir.

Senator IVES. Building roads, highways, and so forth, where you have to use trucks?

Mr. RYAN. Yes, sir.

Senator IVES. Are you unionized yet?

Mr. RYAN. Yes.

Senator IVES. What caused you finally to be unionized?

Mr. RYAN. Well, after we finished this job which we had the injunction on, we got another job in Lackawanna County, which is the county the city of Scranton is located in. When we were bidding the job, or after we were low bidder on it, I forget just when, some of our regular employees came to me and said that we better see what we can do about getting some protection before we get in that close to Scranton. They didn't want to go through the same thing we did in the Wyoming County job. So we decided to join District 50, United Construction Workers.

Senator IVES. You have had no trouble since?

Mr. RYAN. No.

Senator IVES. Is your contract work localized in that particular section of Pennsylvania, or is it a general operation throughout Pennsylvania?

Mr. RYAN. We work generally through the State of Pennsylvania.

Senator IVES. And, wherever you work; you are unionized, is that correct, now?

Mr. RYAN. Yes.

Senator IVES. I think that is rather interesting, in the light of what we have been hearing.

Senator GOLDWATER. Mr. Chairman?

The CHAIRMAN. Senator Goldwater.

Senator GOLDWATER. Mr. Ryan, you say when you went into the Scranton area some of your employees came to you and suggested that it would be wise to join the union or to get some protection. Did they say join the union or did they say to get some protection?

Mr. RYAN. Well, I understood it to be that we wanted to join district 50.

Senator GOLDWATER. Do you know who the source of that information was? Where did your men get that information, that you had better get some protection?

Mr. RYAN. From other employees throughout that section of the State. They knew people who belonged to district 50 in that particular territory, and they had no trouble.

Senator GOLDWATER. Let me ask you this: Was the contract on which you were the successful bidder for the city of Scranton, or for the county in which it is located?

Mr. RYAN. No; it was for the State.

Senator GOLDWATER. It was for the State?

Mr. RYAN. Yes, sir.

Senator GOLDWATER. You never had any occasion to come in contact, then, with building inspectors in the city of Scranton?

Mr. RYAN. No, sir.

Senator GOLDWATER. It was never suggested to you that contact should be made with elected public officials to gain protection?

Mr. RYAN. No, sir.

Senator GOLDWATER. Did you ever have any contact with the mayor of Scranton?

Mr. RYAN. No; I didn't, sir.

Senator GOLDWATER. That is all I have, Mr. Chairman.

Senator IVES. Mr. Chairman, I want to follow up my questions of before.

Mr. Ryan, district 50 is not the same union in which you had the trouble, is it?

Mr. RYAN. That is correct.

Senator IVES. I wanted to point that up. District 50 is John L. Lewis', is it not?

Mr. RYAN. That is right.

Senator IVES. And the one that caused you the trouble is the teamsters; is that correct?

Mr. RYAN. Well, we called it the Scranton Building Trades Council.

Senator IVES. Will you speak a little louder? I can't hear you.

Mr. RYAN. It is the Scranton Building Trades Council. That is the one Mr. Bartell was the president of. There were about 12 AFL unions involved in this council.

Senator McNAMARA. Mr. Chairman?

The CHAIRMAN. Senator McNamara.

Senator McNAMARA. Mr. Ryan, district 50 indicates what is generally the miners' organization, is it not? They are chartered by the miners, the coal miners? Or do you know?

Mr. RYAN. To my knowledge, and I might be wrong, district 50 is the construction branch of the United Mine Workers.

Senator McNAMARA. Then they are chartered by the international or the United Mine Workers Union; is that correct?

Mr. RYAN. I think that is correct.

Senator McNAMARA. They are not commonly a union that is recognized in construction work, except in construction in connection with mines; is that right?

Mr. RYAN. No; that is not right.

Senator McNAMARA. Well, I think that is unusual to your area. Throughout the country, construction work is not generally done by coal miners or by people chartered by coal miners. I think this is a very unusual circumstance, perhaps applying to West Virginia and Pennsylvania, where they have a lot of coal miners. I was interested in your reason for joining district 50. It was for peace and quiet, and being able, of course, to operate your business without interference?

Mr. RYAN. The employees wanted us to.

Senator McNAMARA. Your employees wanted you to?

Mr. RYAN. Yes.

Senator McNAMARA. Your employees were not members of any organization?

Mr. RYAN. Up until that time.

Senator McNAMARA. Then, actually, is not what happened that instead of you getting ahold of district 50 people or district 50 people getting ahold of you, and I mean officials when I say people, that your employees became unionized and, therefore, you found yourself in the union business, is that right?

(The witness conferred with his counsel.)

Mr. RYAN. The idea of our employees wanting to join district 50 was to get away from a repeat of what we had in Wyoming County on this so-called Tobyhanna job. We had a permanent injunction in Wyoming County, but it did not apply to Lackawanna County.

Senator McNAMARA. Do you know how the wage scales of the two compare?

I wonder if you answered the question that I asked you before. This was not what was commonly referred to as a sweetheart contract between the employer and the union, bringing in all the men. The men became union members and were organized by district 50. That is what you want to say, is that right?

Mr. RYAN. That is right.

Senator McNAMARA. Is there a difference in the wage scale per hour of the people in the building trades and district 50, or do you know?

Mr. RYAN. There was a slight difference at that time.

Senator McNAMARA. A couple of dollars a day?

Mr. RYAN. I wouldn't say just how much, but I know there was a difference.

Senator McNAMARA. Then you are better off dealing with the lower wage people, of course, than if you were in the recognized building organizations.

Mr. RYAN. Today they all have the same price.

Senator McNAMARA. Your people have been brought up to the same level now as the construction workers? That is since the merger came about; is that it? That is since the merger of the AFL and CIO?

No; these are not involved in the mergers, are they? They are independent.

How do you account for the wage scale coming up? Was that through negotiation?

Mr. RYAN. The Commonwealth brought the minimum wage scale so that they are all on an equal basis now.

Senator McNAMARA. Then it is written into the contract that you signed that you have to pay the recognized building trades or construction workers scale, is that it?

Mr. RYAN. That is correct.

Senator McNAMARA. So by law they pay this scale, the law of the Commonwealth of Pennsylvania?

Mr. RYAN. Yes; I believe.

Senator McNAMARA. Thank you.

Senator GOLDWATER. Mr. Chairman, may I ask another question?

The CHAIRMAN. Senator Goldwater.

Senator GOLDWATER. Mr. Ryan, is it possible for anybody in your business to operate in that area without belonging to district 50?

Mr. RYAN. We operated in Pennsylvania from 1939 until 1955 with open shop.

Senator GOLDWATER. In this particular area, which encompasses district 50, suppose you went in there and paid the prevailing scale, observed the prevailing hours. Do you think that this organization would leave you alone?

Mr. RYAN. There are a number of contractors working in that area that are open shop.

Senator GOLDWATER. There are?

Mr. RYAN. Yes.

Senator GOLDWATER. That is all I have, Mr. Chairman.

The CHAIRMAN. Mr. Ryan, the Chair only wants to ask you one question. Have you ever paid or had to pay to any union official or representative anything to get protection or for any other purpose?

Mr. RYAN. No, sir.

The CHAIRMAN. Thank you very much.

Are there any other questions?

Mr. KENNEDY. That is all.

The CHAIRMAN. You may stand aside. Thank you.

Call the next witness.

Mr. KENNEDY. Mr. Schiavi.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SCHIAVI. I do.

TESTIMONY OF ARNOLD SCHIAVI

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. SCHIAVI. My name is Arnold Schiavi. I live at 2010 Pittston Avenue, Scranton, Pa., and I operate a bakery known as Sonny-Boy Bakery.

The CHAIRMAN. How long have you been operating that business?

Mr. SCHIAVI. It has been in our family for 3 generations and I am the third—about 30 to 35 years.

The CHAIRMAN. You have talked to members of the staff and know generally the line of questions to expect, I assume?

Mr. SCHIAVI. I have.

The CHAIRMAN. You waive counsel? You have a right to have an attorney present.

Mr. SCHIAVI. I don't have one present. I didn't know that I need—I mean, I didn't know that I could avail myself of one.

The CHAIRMAN. Do you desire counsel?

Mr. SCHIAVI. I don't believe so.

The CHAIRMAN. Sir?

Mr. SCHIAVI. I don't believe I will need one.

The CHAIRMAN. Thank you very much.

Proceed, Mr. Counsel.

Mr. KENNEDY. Mr. Schiavi, you have lived in Scranton all your life; is that correct?

Mr. SCHIAVI. That is correct.

Mr. KENNEDY. Yesterday, you and I went through a discussion of this. If you will just relax and just tell this story about the attempt of the teamsters to organize your bakery, as you told it to me yesterday, we will proceed.

That was in 1953, is that correct?

Mr. SCHIAVI. That is correct.

Mr. KENNEDY. And an approach was made to you that your employees should become union?

Mr. SCHIAVI. On February 16, 1953, I received—

Mr. KENNEDY. How many employees do you have?

Mr. SCHIAVI. Drivers. I had six at the time.

(At this point, Senator McClellan withdrew from the hearing room.)

Mr. KENNEDY. Would you just sit up a little bit, if you can relax and sit up.

Mr. SCHIAVI. In 1953, I was notified by letter that my men had signed to join the local 229, and would I meet at my convenience, in the first one. So at my convenience we met about a month later in the office of the business agent who represents 229, and we had a nice discussion about the new contract. There were a few points there I didn't understand, but at the meeting it seemed that we were going to have a very amiable time about the whole thing.

I went home quite elated, expecting I was going to be in the union. I was going to have their sanction, and we were going to run the town, the way it looked. About a month later we had another discussion.

Mr. KENNEDY. Who did you have a discussion with?

Mr. SCHIAVI. The man I discussed my contract with was Mr. Durkin, the business agent of 229. So we had another discussion and he said "There are a few points here that we don't expect too much trouble with." It was in regards to certain items. It specifically stated that anyone that drove a truck at our bakery must belong to local 229.

It left me with a problem there, because my bakery operates with 30 percent of outer distributors who have their own vehicles, and they pay for their product and walk out. That is the last I have to do with them. I raised the question with myself and my dad. I promised my dad they could drive there as long as I had a bakery. And that would leave him out. It left me out because I couldn't belong to the local, either.

Then there was a question that I had to hire an extra man because of the 6-day week, and a few other questions. But we still left with the impression that we could negotiate a contract.

Well, I didn't hear any more from him since then, but in a period when we were negotiating, there was what is known as a war of nerves. My men were instructed on three different occasions not to place an order, which would signify a strike. But when they didn't place an order, I just closed the bakery and left. But they come back and put an order in again.

That is three different times they did that. They had me kind of jumping on edge. They were congregating. Anyhow, the place was disrupted completely.

The next letter I got, stated—on April 14 we received a letter stating that if we didn't sign the contract in its original form, that there would be a strike pulled on the 15th, the following day. I had 6 hours to make up my mind as to whether I was going to be able to sign the contract or to go on strike. So on that night the boys come in and they placed an order for the next day and we were automatically on strike.

The next morning some of the distributors who buy our product came in the place and they start loading up, and they were confronted with about 12 pickets, plus our own men, who boarded their trucks and told them it was very unhealthy to buy their products there from that day on.

(At this point, Senator McClellan entered the hearing room.)

Mr. SCHIAVI. Some of them made it quite clear that they wouldn't come to the bakery any more. One fellow asked if he could operate 1 more day. They said O. K. They told him that it was unhealthy from that day on to come to our place.

So these fellows—I tried to contact them to serve them individually at their homes, and I tried other means to operate without them coming to the bakery. But 1 fellow did come, and he was only about 3 blocks away from the bakery when he was surrounded by 3 cars. They pocketed him, they took the keys out of his truck. I don't know what they were going to do with him, but I happened along and they all scattered.

Another witness saw them, so they let him go. He got down the highway about 3 miles when he was attacked again by another member of this outfit, who kicked his window in.

That was the first day.

Mr. KENNEDY. What was his name?

Mr. SCHIAVI. His name was John Genova. He is from Old Forge, Pa.

Mr. KENNEDY. He was a driver for you?

Mr. SCHIAVI. He was a distributor. He owned his own vehicle, and he purchased products from me, and then he was on his own from there in.

Mr. KENNEDY. Did he ever come back again?

Mr. SCHIAVI. He came back the next day. The next day was the day he was attacked. The first day they let him operate. The second day he was attacked and threatened and told not to come back again.

Mr. KENNEDY. Did he ever come back again?

Mr. SCHIAVI. No; then I made arrangements to serve him at his home. I delivered products to him. He never came back.

Mr. KENNEDY. Did he receive any threatening telephone calls or anything?

Mr. SCHIAVI. To my knowledge he received about 10 different kinds of threats, between telephone, and personal, at the place, on the road, when delivering, and before delivering. He was threatened all the way around.

Mr. KENNEDY. Finally they kicked his windshield in when he was driving?

Mr. SCHIAVI. That is correct.

Mr. KENNEDY. When he was driving?

Mr. SCHIAVI. That is correct.

Mr. KENNEDY. During this time, did you have any discussions with any of the teamsters officials, John Durkin or anyone?

Mr. SCHIAVI. The night after the strike, one of his men contacted me and asked me if I would be willing to, you know, work out a deal. I said, "I sure would. I don't like these goings-on." So that night I was called by the business agent.

Mr. KENNEDY. Mr. Durkin?

Mr. SCHIAVI. Mr. Durkin. I said, "What is the idea of all this rough stuff?" I said, "We are trying to operate. There is only the family and myself. We are trying to operate the bakery the best I can, to hold it together."

He said, "You don't expect to operate a bakery peacefully when you are operating with a strike going on."

I said, "I did, because I don't hire any outside help." He said, "Don't expect it because it won't happen."

Mr. KENNEDY. Did you have another driver?

Mr. SCHIAVI. Yes. My brother-in-law, he tried to help me in the crisis.

Mr. KENNEDY. What is his name?

Mr. SCHIAVI. Edward Duchnowski.

Mr. KENNEDY. D-u-c-h-n-o-w-s-k-i?

Mr. SCHIAVI. Yes.

When he went out with the truck the first morning, he was accosted by this Hubshman, one of the employees.

Mr. KENNEDY. He was one of the pickets?

Mr. SCHIAVI. He was one of the boys that was picketing our place.

Mr. KENNEDY. Robert Hubshman?

Mr. SCHIAVI. Yes. He was told there was a lot better occupation for him to drive than driving a truck for us in this period.

Mr. KENNEDY. A lot better?

Mr. SCHIAVI. A lot more healthful. So he said, "My brother wants it. I got to help him." They let him proceed the first day. On the next day, on his return he comes in and this Hubshman accosts him in the driveway and without giving him any warning, they punched him in the mouth.

Mr. KENNEDY. Did he drive for you any more?

Mr. SCHLAVI. That was his last day with me.

So we kept trying to operate the business, my dad was 63 years old at the time, and myself. When he was eliminated, I had to put my wife on. She drove the car, and tried to take care of some of the accounts. But every place we went, our customers were told that it wasn't very good practice to buy from us, and we kept having trouble right along. I was threatened myself.

In fact, it got so bad that we applied for a permit to carry a gun, but we were refused.

Mr. KENNEDY. Did you receive telephone calls during this period?

Mr. SCHLAVI. During this period, we got phone calls every night. They wouldn't identify themselves. They would say, "Are you sleeping peacefully?" And we would say, "Yes," and they would say, "We are sorry we disturbed you."

That was going on all the time.

Mr. KENNEDY. Did they call your wife, too?

Mr. SCHLAVI. Yes, and told us about the kids going to school, and they had to cross the street, and things like that. It was cold war all the way.

Mr. KENNEDY. Did they say anything about there might be explosives put in your house?

Mr. SCHLAVI. There were, you know, threats made, and all forms of violence were threatened to us.

On the sixth day—

Mr. KENNEDY. How was the language used?

Mr. SCHLAVI. Very foul, even to my wife.

On the sixth day—every day they were doing something. They were threatening the customers or threatening me, but on the sixth day they started carrying out some threats. One day when my dad was delivering to one of the places, when he come out he found the truck tipped over, rolled right over. So we got an awful shock out of that.

Two or three days later he had to quit going on the road.

Mr. KENNEDY. He stopped going out?

Mr. SCHLAVI. That is right. Then the following night I went up to the bakery and found the windows all shattered and a foul-smelling liquid was in the place. If it permeated the rest of the floor, it would have ruined about 600 bags of flour. But the glass was scattered all over the troughs, and the boxes.

Mr. KENNEDY. What had happened?

Mr. SCHLAVI. Somebody had thrown a bottleful of foul-smelling liquid in the bakery, and hit the window, and the glass from the bakery and from the bottle was all over the equipment and went in some of the dough troughs and ruined some of the dough. That was another incident.

Mr. KENNEDY. Did you go to the police at all during this period of time?

Mr. SCHLAVI. We called the police the first morning, because, as I understood bargaining, there was to be no violence or no threats from either side. So I consulted my attorney, and I said, "What goes with these threats?" and he said, "Notify the police." So I did.

Every time we got a threat, we called the city police, and we informed them of everything that happened as it happened.

Mr. KENNEDY. What happened? What did they do?

Mr. SCHIAVI. Well, in cases where there was violence, like the stink bomb, they come out, too, notes, asked questions, and that is what they did in that case.

Mr. KENNEDY. Did they ever send a policeman out there to make sure there wasn't going to be any violence?

Mr. SCHIAVI. They told us any time we wanted a policeman, if anything happened, to call them. We were trying to have it stopped before it happened, but we couldn't get any protection in that respect. They suggested we contact other law enforcement bodies. On one of the threats, I called the State police and they said they had not jurisdiction in the strike, unless they were called by the Governor. They suggested I call the district attorney.

I called the district attorney. He said, "Get in touch with me tomorrow and have a chat with me." I called him the next day and I wasn't able to contact him.

Mr. KENNEDY. You were talking about your truck being turned over. Is this a picture of your truck?

(Document handed to witness.)

Mr. SCHIAVI. Yes, that is it.

Mr. KENNEDY. That is the turned over truck? That is your father-in-law's truck?

Mr. SCHIAVI. That is the one my dad was driving.

The CHAIRMAN. You identified the picture, did you? Did you identify this picture?

Mr. SCHIAVI. I do identify it. It is a Chevrolet panel truck, and I think that is a picture of our truck.

Mr. KENNEDY. That is the truck, is it not?

Mr. SCHIAVI. Let me look at it again.

The CHAIRMAN. You better look at it. We do not want it in if you cannot identify it.

Mr. SCHIAVI. I will be able to identify it this time, positively.

(Document handed to witness.)

Mr. SCHIAVI. That is our truck.

The CHAIRMAN. That may be made exhibit No. 1.

(The document referred to was marked "Exhibit 1" for reference and will be found in the appendix on p. 1985.)

The CHAIRMAN. The Chair presents to you another picture, and asks if you can identify it.

(Document handed to witness.)

The CHAIRMAN. Do you identify it?

Mr. SCHIAVI. That is the picture of the damage done by the stink bomb.

The CHAIRMAN. That may be made exhibit No. 2.

(The document referred to was marked "Exhibit 2" for reference and will be found in the appendix on p. 1986.)

The CHAIRMAN. I hand you another picture and ask you to examine it and see if you can identify it.

(Document handed to witness.)

Mr. SCHIAVI. I do.

The CHAIRMAN. What is it?

Mr. SCHIAVI. That is the window where they threw the stink bomb.

The CHAIRMAN. The window where they threw the stink bomb through into the building?

Mr. SCHIAVI. I beg your pardon?

The CHAIRMAN. Is that a picture of the window through which the stink bomb was thrown into your place of business?

Mr. SCHIAVI. That is correct.

The CHAIRMAN. That will be made exhibit No. 3.

(The document referred to was marked "Exhibit 3" for reference and will be found in the appendix on p. 1987.)

Mr. KENNEDY. So you received no assistance from the police during this period of time, so the threats against you continued. What finally resulted?

Mr. SCHIAVI. Then we finally went into an aldermans court with all this information, and there my problems started all over again. I was unable to get eye witnesses.

So we presented our story the best we could with the witnesses we could get.

The CHAIRMAN. To whom?

Mr. SCHIAVI. To an alderman's court.

The CHAIRMAN. To an alderman's court?

Mr. SCHIAVI. Yes. A squire. He took all the information and they posted a peace bond and everything was supposed to go peaceful from there in. My travels brought me into another county, Luzerne County, and bond wasn't placed there, so down there they started. Down there 1 morning I was driving my truck down and I was just approaching 1 of the customers. There was 2 cars parked, 1 car was parked about 100 yards from the store and another one on the other street, with 5 men in each car. I couldn't identify them.

I pulled alongside, took their license number, and I turned around, and when I turned around they immediately went.

The next day, again, my own drivers followed me and harassed me, blew the horns, went in to the customers and threatened them.

This all started happening in the other county in spite of the fact that they promised to keep the peace. This kept going on day after day until we finally went in for an injunction, before Judge Robinson, in the court. There, again, we tried to arrive at an agreement. The judge suggested we try to get together without going through all this rigamarole.

In the meantime, I had to go and see all the witnesses that witnessed these events myself and I had to subpoena them because nobody cared to come in. We sort of agreed to sign a contract on certain terms. When we went in, we ran into difficulty again on these terms, and we again were being annoyed, harassed, and everything else that goes with it.

Mr. KENNEDY. Was this affecting your wife at all?

Mr. SCHIAVI. During this period, I lost about 35 pounds and she lost about 25. We never ate a square meal. It was always a continuous going, going, going, trying to stay alive.

Mr. KENNEDY. Threats were being made not only against you and your employees, but also against your customers, is that correct?

Mr. SCHIAVI. That is correct. There were strangers around the place at all times, different cars, and fellows with dark glasses. They would follow us. We didn't know whether we were going or coming.

So even after we had this agreement to settle, we still had trouble. I only had jobs for 3 men, and they forced me to take on, I think it was 5 at the time.

Mr. KENNEDY. What about the deliveries——

The CHAIRMAN. I did not understand that. You had only three employees when you made a settlement with them?

Mr. SCHIAVI. I was willing to sign a contract with them—when the judge told us to get together, I was willing to put 3 men back on and sign a contract; they told us to put 6 back on. From what I had left of the customers, even three were too money, from the customers I had left.

The CHAIRMAN. So you had to put the six back?

Mr. SCHIAVI. We compromised, I think, and I put on four.

Mr. KENNEDY. What about deliveries to your home?

Mr. SCHIAVI. They stopped milk deliveries to my home, fuel oil deliveries. One time I had to call police protection and that is the only way I could get the fuel oil for my home.

The CHAIRMAN. How could they stop milk deliveries to your home?

Mr. SCHIAVI. The milkman didn't bring the milk any more. I don't know how it happened. He just stopped.

The CHAIRMAN. Was he in the union, too, the milkman?

Mr. SCHIAVI. He was. He was a member of the union.

Mr. KENNEDY. Did you report the license plate of one of these cars out of which some of these goons had come? Did you report that to the police?

Mr. SCHIAVI. I did. One I can identify now. One I lost track of. The one that waylaid me in Pittston, I called my attorney and he checked it, and he was a member of local 229, the driver of that car. Another car that we got the license number, that was always around our bakery, he was identified as being a Philip Buntell, who was brought into this hearing.

Mr. KENNEDY. Were there any steps taken against any of these people at that time?

Mr. SCHIAVI. Not that I know of.

Mr. KENNEDY. What finally happened? Did you sign a contract with the union?

Mr. SCHIAVI. We finally signed a contract when we agreed to the four men, and we have been in the union since.

The CHAIRMAN. You went in voluntarily, I assume?

Mr. SCHIAVI. It wasn't a case of voluntary or involuntary. It was a case of survival. The contract terms I couldn't meet. If I could meet them, I wouldn't have no trouble. I have nothing against the union personally, but it was just a case that I couldn't meet the demands.

The CHAIRMAN. The demands that they were imposing were more than you could meet?

Mr. SCHIAVI. That is correct. The demands that they were imposing on me would drive the business to nonunion operators. The business would go to nonunion operators. They told me it would be a matter of time when every bakery of my category would be in the union. Up to this moment, I am the only bakery besides Williams' in Scranton that is in local 229 that I know of. All of the others have either closed doors or gone out of town.

The CHAIRMAN. As I understand, you own your own business?

Mr. SCHIAVI. I do.

The CHAIRMAN. And you were operating your own business?

Mr. SCHIAVI. I am.

The CHAIRMAN. You were forced to join the union to survive, although you are a businessman, operating a business. You, yourself, had to join a union?

Mr. SCHIAVI. I had to. We were getting along quite nicely with our own family. We had selected our best accounts, and my dad, myself, and my wife were taking care of the better accounts, and we were quite happy the way we were.

But the continuous violence, all the headaches, lawyers, judges and all, we were fed up. Even the customers were fed up. So we signed a contract because we wanted to stop all this nonsense.

(At this point, Senator Ives withdrew from the hearing room.)

Senator McNAMARA. Mr. Chairman?

The CHAIRMAN. Senator McNamara.

Senator McNAMARA. You talked part of the time as if you were working with an association of bakers. Were you a member of an association?

Mr. SCHIAVI. I am. I am a member of the Scranton Bakers Club.

Senator McNAMARA. How many bakers are in the association?

Mr. SCHIAVI. There are about 35 bakery proprietors.

Senator McNAMARA. And only two of them are union?

Mr. SCHIAVI. To my knowledge, the only two bakeries in the Scranton area now that belong to local 229 is our bakery and Williams Bakery.

Senator McNAMARA. Are there other unions that the other members might be members of?

Mr. SCHIAVI. Well, there are some that are affiliated with the bakers, the production workers. But with the drivers, in the last 4 years there have been casualties galore; I know 6 bakeries that closed.

Senator McNAMARA. When you say "We finally signed a contract," you meant the association?

Mr. SCHIAVI. No. I mean myself. I was acting as an individual.

Senator McNAMARA. They did not sign with the 35 in the association?

Mr. SCHIAVI. No.

Senator McNAMARA. You also became a member of the teamsters union because you were driving a truck, is that correct?

Mr. SCHIAVI. No. That is one of the points they gave me, that is one of the points they conceded me.

Senator McNAMARA. Have they organized your inside help as well as the truckdrivers?

Mr. SCHIAVI. There was an attempt made, but my inside help showed a preference to remain open, open shop.

Senator McNAMARA. Your employees are now nonunion?

Mr. SCHIAVI. My drivers are union and my production——

Senator McNAMARA. Inside help?

Mr. SCHIAVI. Are nonunion.

Senator McNAMARA. How many do you have?

Mr. SCHIAVI. I have a total of 13 right now.

Senator McNAMARA. What do you manufacture, bread, cake, or what?

Mr. SCHIAVI. I manufacture a product that is pretty tough to meet a contract with. It is Italian bread and pizza. We make these deliveries to the stores and we have to change our bread every day. All these points that I brought up that put me in a different class from

the bakers that they had the same contract with, they wouldn't understand. They said "You own a bakery, you sign a contract the way they did."

I said "My bread is very perishable, specially made."

Senator McNAMARA. You are a specialty man, is that it?

Mr. SCHIAVI. That is right, and a small one.

The CHAIRMAN. There is just one thing I want to get clear in this, if I understand you correctly. Although you are a businessman, operating your own business, doing work in that business yourself, in the nature of driving a truck sometimes, you were compelled to join the union to have peace?

Mr. SCHIAVI. Peace and quiet.

The CHAIRMAN. Peace and quiet. You as a businessman, then, have to negotiate with the union that you belong to to continue in business?

Mr. SCHIAVI. That is correct.

The CHAIRMAN. In other words, if you have peace, if you are not molested, you, as an individual, as the owner of a business, have to negotiate with the union that you were compelled to join?

Mr. SCHIAVI. That is correct.

Senator GOLDWATER. Mr. Chairman?

The CHAIRMAN. Senator Goldwater.

Senator GOLDWATER. You can follow that along, I suppose, and say that you could not cross a picket line in front of your place, could you?

Mr. SCHIAVI. There is a term in our contract where they are not supposed to cross any picket lines, that is right.

Senator GOLDWATER. You, as a union member, could not cross the picket line in front of your place.

Mr. SCHIAVI. No, I am not a member of the union. You got that wrong.

Senator GOLDWATER. That is what we are trying to get.

Mr. SCHIAVI. They conceded me that privilege. If I had to drive a truck, if a man was sick or on vacation, it would be O. K. as their boss to drive the truck.

Senator GOLDWATER. You are not a member of the union?

Mr. SCHIAVI. I am not a member of local 229, no.

The CHAIRMAN. The Chair misunderstood you. That is what I was trying to determine, whether you, yourself, had personally joined the union.

Mr. SCHIAVI. I believe I mentioned they conceded me the privilege of driving without belonging to the union. I believe it is a matter of record that I did say that.

The CHAIRMAN. That was a concession made you?

Mr. SCHIAVI. That was a concession that we needed badly.

The CHAIRMAN. The first requirement was that you personally join?

Mr. SCHIAVI. The first requirement was that if we don't join we don't drive.

The CHAIRMAN. That is what I mean. They first undertook to have you join the union personally?

Mr. SCHIAVI. No, they never tried to get us in the union because they didn't want us in the union. They didn't want us to be in the

union or to touch the trucks, period. The next time there would be a strike, I wouldn't be able to get on the truck or service the customers. That would be a violation of the contract.

The CHAIRMAN. You do not belong to the union personally, but if there was a strike you would be permitted to drive your own truck?

Mr. SCHIAVI. That would be in violation of the contract.

The CHAIRMAN. You have made a contract now whereby if you drove your own truck in the event of a strike, you would be violating that contract?

Mr. SCHIAVI. The contract as it is now permits me to drive. I didn't tie in with the union. My dad and I are exempt. But the other members of the union are all bound by the contract.

Senator GOLDWATER. Mr. Schiavi, you mentioned during the course of your testimony that the police were disrupted. You used that term.

Mr. SCHIAVI. The police?

Senator GOLDWATER. Are the police of Scranton disrupted or were they at that time?

Mr. SCHIAVI. I never mentioned that they were disrupted. I don't believe.

Senator GOLDWATER. I wondered whether you got that in there inadvertently or not. You did use that language.

Mr. SCHIAVI. I never mentioned that they were disrupted.

Senator GOLDWATER. When your brother-in-law had his windshield kicked in, did you report that to the police?

Mr. SCHIAVI. We reported all acts of violence, but I don't remember the word "disruption" at all.

Senator GOLDWATER. What did the police do about it?

Mr. SCHIAVI. I said nothing was done.

Senator GOLDWATER. I guess you might say they were disrupted.

Mr. SCHIAVI. I can't say it. I can just say I reported the incident. That is all I can say.

Senator GOLDWATER. You are a taxpayer and you expect the normal protection of the police; do you not?

Mr. SCHIAVI. I expect the protection of the police.

Senator GOLDWATER. Let me ask you: Does this happen all the time in Scranton?

Mr. SCHIAVI. What is that?

Senator GOLDWATER. Somebody kicks a windshield in, turns a truck over—

Mr. SCHIAVI. Well, I don't know. All the testimony I am prepared to give is about myself. I don't know anything about how they operate or what they do.

Senator GOLDWATER. You are a taxpayer of Scranton. You live there.

Mr. SCHIAVI. That is right.

Senator GOLDWATER. Do you find generally that the police ignore violations of the law and damage to property?

Mr. SCHIAVI. In my case is all I know about.

Senator GOLDWATER. You were born in Scranton?

Mr. SCHIAVI. I was born in Scranton.

Senator GOLDWATER. You never heard of another case than your own where the police ignored prosecution of the law?

Mr. SCHIAVI. Well, it is sort of our business, I haven't made a study of it, but in my case I know.

Senator GOLDWATER. Why do you think the police laid off you? Why do you think the police ignored your pleas?

Mr. SCHIAVI. That is a question I don't know how to answer.

Senator GOLDWATER. Have you any ideas at all?

Mr. SCHIAVI. Well, the facts I presented, and I guess anybody would have to draw their own conclusions. I can't definitely state.

Senator GOLDWATER. We had a witness here this morning that testified that the present mayor asked him to lay off until after the election. Do you, as a taxpayer and a lifelong resident of Scranton, think that possibly this mayor might say to the police, "Don't pay any attention to Mr. Schiavi"?

Mr. SCHIAVI. To me it was a very big surprise when I heard that, because that is the first time that has been mentioned. This case has been rehearsed and rehearsed and I never heard a mention of the mayor before, and, to my knowledge, I couldn't say it about him.

Senator GOLDWATER. You never heard that about the mayor?

Mr. SCHIAVI. Never about the mayor.

Senator GOLDWATER. You always thought Scranton had a real top, first-class police department?

Mr. SCHIAVI. They are on the ball.

Senator GOLDWATER. But they just do not like Mr. Schiavi, so they are not going to take care of violations against him?

Mr. SCHIAVI. I didn't say that either. All I am saying is that those acts did happen, I did report them, and the rest is a matter of record. That is all I can say.

Senator GOLDWATER. Well, do you think that possibly the leaders of the locals might have had influence in the police department, might have been able to say, "Yes; we kicked the windshield in, but don't bother us about it"?

Mr. SCHIAVI. Well, I can't say what I think, because——

Senator GOLDWATER. Why not?

Mr. SCHIAVI. I don't know.

Senator GOLDWATER. Mr. Schiavi, you are a citizen of Scranton. Mr. Schiavi, I do not know whether you are trying to protect the apparent ineptness of the Scranton police or what. I do not know who you are trying to protect. I do not even know if there is anybody that needs protection.

But, certainly, as a citizen of another town in this country I think I would know the reputation of the local police. I think I would be rather disturbed if I received threats during the night and the day, and my wife lost 25 pounds, and I, myself, lost 35. If my truck was turned over, if my brother-in-law got punched in the mouth, if he had his windshield kicked in, if I had a stink bomb thrown in my place of business and the police did not do anything, I would be disturbed about it.

Mr. Schiavi, all over this country we have people who will testify just so far. How will we clean America up if American citizens and American businessmen will not say what they believe and will not say what they know?

Mr. SCHIAVI. Your Honor, I am ready for that one. I told you everything that happened. Is that correct? I didn't hide anything.

Anything you ask me I will answer. But why should I pass an opinion when all I can give you is the facts? Ask me questions and I will give you all the answers you want. But can I pass my opinion on the police force? I have seen them when they were very efficient. I have seen them when they were right on the ball. In my case they were negligent. That I can tell you.

Senator GOLDWATER. Did you not have some question in your mind as to why they were negligent in that particular case?

Mr. SCHIAVI. Naturally.

Senator GOLDWATER. Do you not have any answers for it?

Mr. SCHIAVI. I can't tell you that. I do know I didn't get the cooperation I expected. That I do know. I explained that to you before. I said I asked for a gun permit, and I was refused. Naturally, at that time I didn't think I was getting the protection I was entitled to. I didn't get the protection I was entitled to. But when you ask me about other cases, I can't pass judgment on other cases.

Senator GOLDWATER. Did any thought ever enter your head that possibly the district attorney might be entering into the negligence of the police force?

Mr. SCHIAVI. I mentioned him. I mentioned that I notified him of this violence, and I also mentioned that nothing was done in that case either.

Senator GOLDWATER. I just want to say this to you, and then I will be quiet. You better get interested in why you have a police force that will treat any citizen like they treated you. Mr. Schiavi, if that happens, and happens and happens in this country, you can kiss goodbye to freedom.

Mr. SCHIAVI. I think I am doing my part in answering all the questions.

Senator GOLDWATER. When you get home, you give it some more thought. Argue with your conscience. If you know of anything that has been going on in the city of Scranton—I know people in Scranton and think it is a great town; I have been there many times myself—if you know of anything that you can point your finger to on the police force, the activities of the mayor, or any elected official, you, as a citizen, have a right, in fact it is your duty, to see that those evils are corrected.

Mr. SCHIAVI. All I can answer you is this: My conscience is clear. I don't know of anything I can point by finger at outside of the facts in my own case. I think it is unfair saying I have not told you anything. I have been busy running my own business. I am civic-minded and active in associations.

But if you infer that I am withholding something, my conscience is clear. I didn't get the cooperation I expected but I can't say that I know anything. I don't associate with union officials. I am not in politics. I am civic-minded. I can't definitely prove anything, and that is why I can't say anything.

Senator GOLDWATER. I hope I have no insinuated that you know something you are not telling us. But I think you and other interested citizens of that town had better get your heads together and decide what you can do about cleaning it up.

Mr. SCHIAVI. When those facts appear in the paper and nobody seems interested, why should a small operator like me take the lead? I have to run my business, too.

Senator GOLDWATER. I know how you feel. You do not want to stick your neck out. Somebody has to do it. You did it this morning. You have done your city a great service and you have done your country a great service. But businessmen every place have to get their heads out of the sand and stick them up in the sunlight and find out what is happening in their community. They cannot say "Nothing is happening to me, but something is wrong, but I will not stick my neck out."

Mr. SCHIAVI. I will tell you anything you want to know about my case or anything I think, but I can't prove any collusion, because, after all, if there is any collusion they certainly wouldn't let me know about it. I am not in politics.

The CHAIRMAN. Thank you very much.

We have another witness, and he will be very brief.

Mr. KENNEDY. Mr. Duchnowski.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate Select Committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DUCHNOWSKI. Yes, sir.

TESTIMONY OF ANTHONY J. DUCHNOWSKI

The CHAIRMAN. State your name, place of residence and business or occupation.

Mr. DUCHNOWSKI. Anthony Duchnowski, 655 Simpson Street, Throop, Pa. I am a draftsman at the Daystron Instrument Corp., in Archbald, Pa.

The CHAIRMAN. You have talked to members of the staff, have you, of the committee, and know what information you can give?

Mr. DUCHNOWSKI. Yes, sir.

The CHAIRMAN. Do you waive the right of counsel?

Mr. DUCHNOWSKI. Yes, sir.

The CHAIRMAN. You are a draftsman where?

Mr. DUCHNOWSKI. 655 Simpson Street, Throop, Pa.

Mr. KENNEDY. That is where you are a draftsman?

Mr. DUCHNOWSKI. I beg your pardon. At Daystron Instrument Corp.

Mr. KENNEDY. In Scranton?

Mr. DUCHNOWSKI. Archbald, Pa.

Mr. KENNEDY. Mr. Duchnowski, you are a brother-in-law of Mr. Schiavi?

Mr. DUCHNOWSKI. Yes, sir.

Mr. KENNEDY. And you were driving a truck for Mr. Schiavi?

Mr. DUCHNOWSKI. I was trying to help him out in the strike.

Mr. KENNEDY. When he had the difficulty with the union?

Mr. DUCHNOWSKI. Yes, sir.

Mr. KENNEDY. How many days did you drive the truck for him?

Mr. DUCHNOWSKI. I drove 2 days for him.

Mr. KENNEDY. Why didn't you continue for the rest of the time?

Mr. DUCHNOWSKI. After the incident happened—

Mr. KENNEDY. What incident was that?

Mr. DUCHNOWSKI. When I got punched in the mouth and I got a busted lip.

Mr. KENNEDY. Could you tell the committee how that happened?

Mr. DUCHNOWSKI. From the time I started?

Mr. KENNEDY. Well, tell from the time you started.

Mr. DUCHNOWSKI. Well, on or about April 15, our first day of strike, I went out with a truck, with merchandise of pizza, to be delivered to the customers, and as I left the bakery shop, about 10 blocks down from the bakery shop, I stopped for a red light, and along side the truck a car pulled up, and one of Mr. Schiavi's drivers was behind the wheel, his name was Al Matai, and alongside of him was Robert Hubshman. They asked me to pull over toward the curb, which I did. I shut the ignition off. Al Matai asked me if I knew that the bakery job was on strike. I told him yes, I did. He asked me why am I taking the truck out. I told him I am trying to help my brother-in-law and my sister. Then he mentioned that it wasn't too healthy.

There was a few more words exchanged. I mention, "Please close the door. I have to deliver the merchandise."

So I went about my business, I delivered the merchandise. I came in off the road, I parked the car and nothing was said. The following day I left again. I wasn't approached by anyone until I completed the route. I was just about ready to get in the car, in my car, which was in Schiavi's garage. As I was getting into the car there was three fellows in the driveway, and Robert Hubshman yelled down the driveway that he would like to see me a minute. So I got out of the car, and I walked up the driveway, I had my hands in the pocket.

Then I surmised that there might be a little trouble, and I took the hands out of the pocket. I asked him what is it he wishes to discuss about. He didn't say anything. He said, "This, you so and so" and he swung a few times. I ducked and he caught me on the lip, and he busted my lip.

So before I even decided to drive the truck, I consulted Schiavi's lawyer if it was all right for me to drive the truck, and he said, "Yes, being that you are in the family, they can't do anything to you."

But it was proven different.

So after I got punched in the mouth, I went down and called the lawyer up and I told him "I guess the strike is over" and he said "Why" and I said "Well, one of them just attacked me." He asked if there were any witnesses, and I said, "Well, there were three of them fellows up there from the union."

"Well, he said that there had to be a witness on a neutral side, I guess. So then after that I told him, "Well, if you want me to drive that truck," I said, "I ain't going out any more, you better take it."

That is about my story.

Mr. KENNEDY. You never drove the truck again?

Mr. DUCHNOWSKI. No, sir.

The CHAIRMAN. Are there any questions?

Thank you very much.

The committee will stand in recess until 2 o'clock this afternoon.

(Whereupon, at 12:20 p. m., the committee recessed, to reconvene at 2 p. m., the same day.)

(Members present at the taking of the recess: Senators McClellan, McNamara, and Goldwater.)

AFTERNOON SESSION

(The hearing was resumed at 2 p. m., Senator McClellan, presiding.)
The CHAIRMAN. The committee will be in order.

(Members of the committee present at the convening of the hearing were Senators McClellan, Ives, and Goldwater.)

The CHAIRMAN. Before we resume testimony this afternoon, the Chair wishes to announce that he has received from Mayor James T. Hanlon of Scranton a telegram in which he denies categorically the testimony of the witness this morning to the effect that he had asked him to hold off with respect to information he had regarding certain practices that were occurring in Scranton. The mayor requests that the telegram be read into the record.

The Chair has not done that and will not do that at this time, but I have made it available to the press so that the denial by telegram may accompany any other news story about it.

The Chair will wire Mayor Hanlon and advise him of the rules of the committee. Rule 12 of the committee states:

Any person whose name is mentioned or who is specifically identified and who believes that testimony or other evidence presented at a public hearing or comment made by a committee member or counsel tends to defame him or otherwise adversely affect his reputation may (a) request to appear personally before the committee in his own behalf or, in the alternative (b), file a sworn statement of facts relative to the testimony or other evidence or comments complained of regarding himself. Such request and such statement shall be submitted to the committee for its consideration and action.

Mr. Counsel, you will send a wire to the mayor and some member of the staff may prepare it and I will sign it, advising him of the rules of the committee, and if he desires to make any further request the committee then will consider it.

Mr. KENNEDY. I might say in connection with that, that I talked to the mayor on the noon hour, and suggested that he might want to send this telegram and that he should put in the telegram that he would appear as a witness or that he would make this statement under oath, and that you would consider it at that time.

So he is aware of the rules of the committee on that point.

The CHAIRMAN. The Chair did not know that. If counsel has talked to the mayor and advised him of the rule, then it will not be necessary to send a wire.

All right, call the witness.

Mr. KENNEDY. Mr. Pozusek.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. POZUSEK. I do.

TESTIMONY OF EDWARD POZUSEK

The CHAIRMAN. State your name and your place of residence and your business or occupation.

Mr. POZUSEK. Edward Pozusek, 42 Spruce Street, Wilkes-Barre, Pa. I am a general contractor.

The CHAIRMAN. You have talked with members of the staff, have you, and they have indicated to you the nature of the testimony and information they desire to receive from you?

Mr. POZUSEK. I did.

The CHAIRMAN. You have waived the right to counsel, have you?

Mr. POZUSEK. That is right; I did.

The CHAIRMAN. Thank you very much. Proceed, Mr. Kennedy.

Mr. KENNEDY. You are a contractor, Mr. Pozusek, from Wilkes-Barre?

Mr. POZUSEK. Wilkes-Barre, Pa.; yes.

Mr. KENNEDY. Did you receive a request to build a home in Scranton, Pa., by a Mr. Ruby?

Mr. POZUSEK. I did.

Mr. KENNEDY. And did you start the construction of that home?

Mr. POZUSEK. I did.

Mr. KENNEDY. Did you have some union officials approach you about making your construction work union?

Mr. POZUSEK. I did.

Mr. KENNEDY. The people that were working for you at that time were nonunion, is that right?

Mr. POZUSEK. That is right.

Mr. KENNEDY. Will you tell the committee what the first approach that was made to you was?

Mr. POZUSEK. The first approach was made to me around the 4th or 5th of April 1954. The day we were excavating for the cellar, some man stopped by and got talking to the people and asking them who was the contractor and someone pointed me out and he came to me and introduced himself as a Mr. Anthony Bonacuse, from the laborers union. He asked me if I was union, and I told him "No."

"Well," he said, "it would be a smart thing for you to be union. You are from out of town and you don't know the boys over here as well as I do." He said, "I know them well and they play rough and they are liable to give you a lot of trouble here."

I told him, "Well, I have had no trouble nowhere, and I didn't expect to have any here either and I get along with everybody everywhere."

Well, he did ask me during that conversation who the home was for, and things like that, and I answered all of that.

Then he said, "Well, I am going to a convention in Pittsburgh, and when I get back I will come over to see you."

And I said, "Certainly; why not? You are welcome anytime you come around to talk to me."

So he said, "I'll see you in the meantime."

Well, I didn't see Mr. Bonacuse after that until April 28, Wednesday, April 28, and we already had the footing in, the cellar was all built, and the girder was in place, and all of the floor joists, and we were laying the subfloor that morning. We were putting the cross bridging in. I noticed the car stopped and three men got out and I noticed that one was Mr. Bonacuse.

Mr. KENNEDY. What was Mr. Bonacuse's position at that time?

Mr. POZUSEK. He was the business agent of the laborers union.

Mr. Bonacuse said, "Eddie, come here, we want to talk to you." And I said, "As soon as I finish what I am doing, I'll be over."

Possibly a minute or two elapsed, and I went over to him, and he introduced me to a Joseph Bartell from the carpenters union, and to a Philip Brady from the electrical union.

Mr. Bartell said to me, "Are you union?" And I said, "No." He said, "Why not?"

Well I gave him my reason why I wasn't union, and he said, "Well, we are not interested in who does contracting work or who builds or anything, as long as they hire union help."

But he said, "What I am mostly interested in, who the hell allowed you to come here to Scranton to build?"

Well, gentlemen, I said, "Mister, it so happens I am American born, and I am allowed to earn a living in any part of this country as long as I earn it legally, and whatever is legal, I did everything legal on these jobs."

Before I gave the people a price on the home, I went to the city hall, and I got the necessary information from the building inspector, the building inspector told me anybody could build in Scranton as long as you take out the permit and build according to the code. And I have done all of that, and I satisfied the city officials, and that is all I am worried about.

He said, "Well, you can't do that in Scranton. You will just pick up your tools and get the hell back to Wilkes-Barre where you belong. You have no business over here."

I said, "Well, there is any number of people from Scranton that are working in Wilkes-Barre, and you never heard of a barricade on a highway and us chasing them back to Scranton."

"Well," he said, "You can't come into Scranton and work. You know you come in to a troublesome area, and you are going to get trouble over here, and you are looking for it and you are going to get it."

I said, "Look mister, I am not looking for trouble; I don't pretend to be tough or smart, and I am only going to tell you one thing, that I am a nervous type, and don't come here and start trouble for me because somebody is going to get hurt."

I said, "This house or no house is worth somebody getting hurt over."

He said, "Trouble? You don't know the first damn thing about trouble. Why, we'll give you so much trouble here that you'll get ulcers."

"Ulcers?" I said, "That doesn't worry me one little bit, because I am getting the damn things for the last 15 years."

Well, he told Philip Brady, and he said, "Look here, we have a customer that has got ulcers. What do you say you give him a pill?"

Well, then I said to Mr. Bartell, "I know furthermore there is such a thing as a Taft-Hartley law which say I don't have to be union and my men don't have to be union if they don't want to."

Well, he told me what I could do with the Taft-Hartley law. He said, "As a matter of fact we are going to Washington now to do away with the Taft-Hartley law." I looked at him and I said, "Now listen, you are getting too filthy in your conversation, and there is no sense talking to you," and I turned around and I went back on the stagen and I wanted to work.

They got in a huddle there for possibly a minute or two, and leisurely walked to the car and rode away.

Well, we worked that day and Thursday and Friday, and we had about 640 feet of subfloor to lay and I asked the fellows, "What do you say we come on tomorrow and we will finish this up by noon,

and Monday we will start raising the structure, the side walls, and start going up with the building?"

Well, Saturday morning my boy said to me, "Dad, can I go with you?" And I said, "Come on, if you want to go. Come ahead."

So I got over to Scranton, and I got the lumber first on the truck, and I got over to Scranton and as I approached the place I said to the fellows in the truck with me, "Gosh, them kids must have had a ripsnorting time here last night," because all of the platform was all busted up. As I drove alongside the building I noticed that the north end of the building was all sagged down, and I said, "Somebody dynamited this place."

So I got out of the truck and I ran to that end of the building and I looked and I saw what damage was done, and I said to the fellows, "Well, let us unload this lumber and don't let anybody into the cellar, and I am going to go and notify the police."

So I went back down on North Maine Avenue to Jackson Street, because in my travels I noticed there was a police station there. I stopped at that police station, but the building was closed. So I went to the policeman on the corner, and I asked him and got information from him, and he said, "Well, you go down to Mulberry Street."

So I went down to Mulberry Street to the city hall, and I reported the dynamiting there to the sergeant at the desk and he said, "You had better go upstairs to the detective bureau." He showed me how to go up there and I went up there, and I got talking to 2 detectives, and 1 of them said, "Wait awhile," and he went in and he got Captain Kelly.

I went into Captain Kelly's room, and I explained and I told him everything, that the place was dynamited, and that we had three union officials over to me and made me the threats.

He said, "Who were they?" I said, "One of them was Anthony Bonacuse, the other was Brady, but the third name I don't remember." I did not remember Bartell's name at that time.

He said to me, "Was it Joseph Bartell?" And I said, "That's the man."

So he talked to a detective there, and the detective went out and first thing he came out with a picture of Joseph Bartell. He showed me his picture with a number across the chest, and he said, "Is that the man?" And I said, "That's Philip Brady," and he said, "No; this is Bartell," and I said, "That was what I meant, this is Bartell."

He looked at that detective, and he said, "What the hell is this man doing walking around; this parole violator? This guy should be locked up." He said, "Go out and pick these men up and bring them all in."

He told me to go back on the job, and he would send some detectives up there and make sure that nobody enters the place or goes into the cellar, and I said, "I have two men guarding it there now."

And so I left city hall, the police station, and I went back on the job, and two detectives were brought up there in a car and that was John Owens, and Detective Erline. That is when we went into the cellar and I looked the building over to see if it was safe for us to walk around, and the Detective Owens told me to look for paper.

We did pick up a red wire and a blue wire that are used on blasting caps, and we looked around for paper, and we looked around for the

pieces of iron that were parts of the girder, and channel iron that was placed under the girder and we couldn't find them, but finally in the dirt near the footer we found two pieces there. About a half hour later, about 75 or 80 feet away we found another piece of iron from the channel which was bent into a V shape where the lumber was piled up.

We searched the field there and back of the house and we walked through the cemetery looking for wire, but we couldn't find anything. So then he told me to let everything alone, and don't touch it until they tell me when to go ahead with the work.

So that stood about a week if I remember correctly, and then I was told to come down to city hall. Of course I was there daily. I was told to come down to city hall, that Captain Kelly wanted to talk to me.

So when I did go down to the city hall, Captain Kelly said, "That day I sent out and wanted these men picked up, they were away. We couldn't get these guys, but they did come in last Tuesday voluntarily themselves and they said that they had nothing to do with the dynamiting. But everything is all right now, and you can go back on the job and get the work started, and nobody will bother you no more up there."

Well that is when I started to rebuild the place and go ahead with the home.

About 2 or 3 days later one of the detectives came up and asked me or told me I was wanted back in the city hall. This time I went back and the Police Commissioner Ruddy took me into his room and he locked the doors, and he said to me, "Well, Eddie, Philip Brady's brother and I are very good friends. So I asked his brother to tell Philip to come in to see me. So when Philip Brady did come in," he said, "I did the same thing I have done now. I locked the doors and I got ahold of him by the coat and I picked him up, and I said, 'You dirty little so-and-so, you are hanging around with that parole violator Bartell and you are getting just as bad as he is.'"

He said, "I'll slap your face for you." Then he said, "Eddie, you go back to that place and keep on working, and they will bother you no more."

But I told him we already were rebuilding the place, and we were working on it. Of course, I had no trouble after that.

Mr. KENNEDY. You had some trouble getting a plumber, as I understand it.

Mr. POZUSEK. Yes, sir.

Mr. KENNEDY. You couldn't get a plumber to work for you?

Mr. POZUSEK. For about 3 or 3½ months we looked for a plumber.

Mr. KENNEDY. No one wanted to go underground because they thought there would be difficulty.

Mr. POZUSEK. There were any number of plumbers after that, but after that dynamiting we had a picket in front of the place and regardless of what plumber would come there, he would look the job over, and that is the last you would see of him. If he did come to give you a price, he would give you a price and you would call him now and then and he would say, "Well, I can't do it." That is the answer you would get from all of them.

Mr. KENNEDY. So you lost considerable amount of money on this whole thing?

Mr. POZUSEK. Finally we got a plumber out of Nanticoke to come and do it. Originally I had to figure on that plumbing for \$3,000, and when I did get a plumber it costs us \$4,097, and I had to dig the trench from the house.

Mr. KENNEDY. Why did you have to do that?

Mr. POZUSEK. Because no plumber wanted to go in to do the work because the picket was over there, and he said he would be liable to have trouble, and the trench was 9 feet deep.

The CHAIRMAN. How much damage did you sustain by reason of the dynamiting?

Mr. POZUSEK. It was close to \$400 to rebuild the place.

The CHAIRMAN. The damage from dynamiting was \$400?

Mr. POZUSEK. Yes, sir.

The CHAIRMAN. And the increased cost of construction because the place was picketed amount to more than that?

Mr. POZUSEK. No.

The CHAIRMAN. I thought you pointed out that you could have gotten a plumber for \$3,000, and it finally cost you \$4,000.

Mr. POZUSEK. When I was figuring the job, I got a figure from the plumber for \$3,000 to do the plumbing and the heat work. After the place was dynamited, we couldn't get a plumber in there, and when we did get a plumber from Nanticoke, he said, "You need me, but I don't need you." So he said, "You will have to pay now," and he gave us a price of \$4,097.

The CHAIRMAN. That is what I am trying to ascertain, whether the cost of the construction went up by reason of the fact there was a picket line there.

Mr. POZUSEK. That's right, it did. I didn't understand that part of it.

The CHAIRMAN. And the original damage from the dynamiting cost you some \$400?

Mr. POZUSEK. That is right.

The CHAIRMAN. Now, after the dynamiting, did you ever have any more violence there?

Mr. POZUSEK. No; I didn't have any violence.

The CHAIRMAN. Was anyone ever arrested for dynamiting your place?

Mr. POZUSEK. Well, October 14 Paul Bradshaw was arraigned on a charge of dynamiting. That is October 14, 1954.

The CHAIRMAN. How long had that been after the incident?

Mr. POZUSEK. The dynamiting took place May 1 of 1954.

The CHAIRMAN. Was he tried and convicted for that offense?

Mr. POZUSEK. He was arraigned in the police court at that time. We didn't have the trial until January 28 or 29 of 1955, when he did come to trial. That was in Lackawanna County court. We was convicted of felonious use of dynamite.

The CHAIRMAN. Is that in connection with the dynamiting of your place?

Mr. POZUSEK. That was for the dynamiting of this home.

The CHAIRMAN. That is the same Bradshaw who testified here this morning?

Mr. POZUSEK. That is the same fellow who testified this morning.

Mr. KENNEDY. You were just saying about the plumber and the ditch. Did he say he didn't want to go down in the nine foot ditch?

Mr. POZUSEK. Well, regardless of what plumber you would talk to, everyone was afraid to do any work outside, because he said, "Gosh, you don't know what is going to happen to you." So in order to get a plumber in there, we turned around and we dug the trench clean to the curbstone, and then for 3 days we looked for the spur and we couldn't find the spur. There was no spur there. The city engineers came over and they helped and we couldn't find it, but they finally did find a manhole in the front lawn there, in the front yard, and we tapped on to the soil line, into this manhole.

Mr. KENNEDY. When the original threats were made against you, were there any witnesses to the conversation that you had with Mr. Bartell and Brady?

Mr. POZUSEK. The two helpers, but they were working at the time and they didn't hear it all, and they only heard certain parts.

Mr. KENNEDY. Were they ever interviewed by any of the authorities in the city of Scranton?

Mr. POZUSEK. No. They never were interviewed by the police, and they never were asked anything, and not until the State police got the case, and Sergeant Tama questioned them in sometime in July or possibly August.

Mr. KENNEDY. Of what year?

Mr. POZUSEK. 1954. It was, I would say, about 2 or 3 months after the dynamiting.

Mr. KENNEDY. That is all.

The CHAIRMAN. I just happened to think of one question. The three men who came to see you, did you give their names?

Mr. POZUSEK. Yes, sir; Joseph Bartell, Philip Brady, and Anthony Bonacuse.

The CHAIRMAN. Bradshaw was not among the three who came to see you?

Mr. POZUSEK. No, Bradshaw was not there.

The CHAIRMAN. Did you ever talk to Bradshaw about this dynamiting?

Mr. POZUSEK. Well, after his trial on the conspiracy, and the first and second conspiracy trial I talked to him about it.

The CHAIRMAN. Did he admit to you that he had done it?

Mr. POZUSEK. Yes; he admitted to me that he had done it.

The CHAIRMAN. Did he tell you who gave him the instructions and orders to do it?

Mr. POZUSEK. Well, after that I heard at the trial. Bradshaw did tell me, he said, "You know, I didn't know you and I didn't even know where the job was."

The CHAIRMAN. It did come out in the trial that he was ordered and directed to do it?

Mr. POZUSEK. That is right.

The CHAIRMAN. By whom?

Mr. POZUSEK. By Mr. Bartell and Brady.

The CHAIRMAN. Bartell and Brady?

Mr. POZUSEK. Yes, sir.

The CHAIRMAN. What position did they occupy in the union?

Mr. POZUSEK. Well, I found out later that Bartell was president of the Building Trades Council of Scranton; Philip Brady was vice president; and Anthony Bonacuse was one of the directors; and Bartell was the business agent of the carpenters local; and Philip Brady was the business agent of the electrical workers local.

The CHAIRMAN. Where are these folks now?

Mr. POZUSEK. Well, they were here this morning.

The CHAIRMAN. They were here this morning? All of them?

Mr. POZUSEK. Yes, sir.

The CHAIRMAN. Are they still officers in the union?

Mr. POZUSEK. As far as I know they are.

The CHAIRMAN. We will develop that testimony from someone else. All right.

Senator IVES. You have already asked the question I was going to raise, and I wanted to know who these characters were.

The CHAIRMAN. Thank you very much. You may stand aside.

Call your next witness.

Mr. KENNEDY. There are two witnesses that can testify together, Mr. Chairman, Mr. Harmanos and Mr. Cochran.

The CHAIRMAN. Will you be sworn?

Do you and each of you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. COCHRAN. I do.

Mr. HARMANOS. I do.

TESTIMONY OF WILLIAM E. COCHRAN AND GEORGE HARMANOS

The CHAIRMAN. Will each of you state your name, and your place of residence, and your business or occupation for the record?

Mr. HARMANOS. George Harmanos, 23 Memorial Street, Exeter, and I am a masonry foreman.

Mr. COCHRAN. William E. Cochran, 62 Virginia Terrace 44, and I am superintendent for George L. Ruchnow, Inc.

The CHAIRMAN. Have you each talked to members of the staff of the committee regarding the testimony that you are expected to give?

Mr. COCHRAN. Yes, sir.

Mr. HARMANOS. Yes, sir.

The CHAIRMAN. Have each of you been advised that you are entitled to counsel present if you desire? Do you waive counsel?

Mr. COCHRAN. Yes, sir.

Mr. HARMANOS. Yes, sir.

The CHAIRMAN. Thank you very much.

Proceed, Mr. Counsel.

Mr. KENNEDY. Mr. Cochran, you are with the Ruchnow Construction Co.?

Mr. COCHRAN. Yes, sir.

Mr. KENNEDY. Back in 1954 were you doing some construction work in the city of Scranton?

Mr. COCHRAN. I was, sir.

Mr. KENNEDY. What were you doing, and what were you building there?

Mr. COCHRAN. We contracted to put up a home for Mr. Joseph Denny in the month of December of 1953.

Mr. KENNEDY. Did you start the construction of the home?

Mr. COCHRAN. Yes, sir, we did, around the latter part of December.

Mr. KENNEDY. 1953?

Mr. COCHRAN. 1953.

Mr. KENNEDY. Were you using nonunion labor?

Mr. COCHRAN. We are a nonunion contractor; yes, sir.

Mr. KENNEDY. The home was in Scranton; was it?

Mr. COCHRAN. The home was in Scranton.

Mr. KENNEDY. Now, were you approached by anyone to have your people doing the construction work join the union?

Mr. COCHRAN. Well, sir, this home was started right around the end of the new year, and I am not exactly sure as to the date, but in the very early start of the job, Mr. Bartell, that I found out lived in exactly the yard in the rear of the home we were to build, walked down through the yard and he was friendly and there were no threats made of any sort but he did ask who the contractor was and did say that it would have to be a union job. There were no comments made other than that.

Mr. KENNEDY. Did you hear from anybody other than that conversation that you had from Mr. Bartell?

Mr. COCHRAN. No, sir, I did not; not until we started to have trouble with the union.

Mr. KENNEDY. What happened when you started to have difficulty?

Mr. COCHRAN. Well, we started the foundation wall around January 2. We had an interruption there of about 13 days, which would indicate to me that that was sort of a cooling off spell we gave them, and our men were chased off the job on January 2.

Mr. KENNEDY. Your men were chased off?

Mr. COCHRAN. Chased off the job.

Mr. KENNEDY. How were they chased off?

Mr. COCHRAN. Well, that would only be hearsay to me, and they reported to our construction company office and told me that there was a large number of union men up there and told them that they couldn't work, and chased them off the job.

So I left a period of about 2 weeks, and actually it is 13 days gone by, and I thought, "Well, we will try the job over again, and maybe they have cooled off."

On January 15 we delivered material to the job. On January 4 and 5 we performed labor there. Again we had trouble.

Then on January 15, 11 days later, I had a small group of hand-picked men that I felt would follow our orders and stick to the job, and not be scared away. We decided that this was America, and that they couldn't do that, and we would put up some resistance.

So Mr. Harmanos was one of the men selected, and he is a masonry foreman. He arrived on the job about 8 o'clock, and it was around 9 when I got there because there were a lot of other duties that I had to perform. But when I arrived on the job, there were union men, and the place was surrounded. And they were on the scaffolds and they were in the dump truck, and as I approached the job I was surrounded.

There was a light snow on the ground, and I recall several of these big guys edging me around with their arms and elbows, and in some cases their big bellies.

But I talked to Mr. Bartell at that time.

Mr. KENNEDY. There were some of the union officials with them, is that right?

Mr. COCHRAN. Yes, sir.

Mr. KENNEDY. Mr. Bartell was one of them?

Mr. COCHRAN. Mr. Bartell was one of them, although he was the only man that I had ever seen before, and that I knew.

Mr. KENNEDY. Did you learn the identification of several of the other union officials?

Mr. COCHRAN. I did learn that; the identification.

Mr. KENNEDY. Was Mr. Brady there also?

Mr. COCHRAN. Well, again there is a place that I would not be sure. There was a man came over and talked to me as I got in my car to drive off, and he sort of pleadingly asked me if I wouldn't get out of there without any trouble, and get my men off the job. I recognized that man, sir, as Mr. Brady, and he said nothing out of the ordinary as far as I was concerned, other than to plead with me to get out of there.

Mr. KENNEDY. Mr. Harmanos, did you remember Mr. Brady being there?

Mr. HARMANOS. I recognized him after awhile, after I learned who he was. He was one of the group. When I joined Mr. Cochran out there on the road, I was talking to Mr. Brady and Bartell, and Mr. Bonacuse.

Mr. KENNEDY. He was also there?

Mr. HARMANOS. Yes, sir.

Mr. KENNEDY. Excuse me?

Mr. HARMANOS. He was also there; Mr. Bonacuse.

Mr. KENNEDY. Did you have some conversations with them, with any of these labor officials, about the job that you were doing?

Mr. HARMANOS. Well, it seems we were able to learn for ourselves in no uncertain terms that we weren't wanted there, and they wanted us to go back to Wilkes-Barre, and we thought we had a job there, and we had a privilege to work there, and so we went down to see if we could get some protection.

Mr. KENNEDY. Just before you tell about that, Mr. Harmanos, did you have some men on the scaffolding?

Mr. HARMANOS. They were on the scaffold.

Mr. KENNEDY. Did the pickets climb up on there?

Mr. HARMANOS. Yes; they came over the wall, which was partly built, and got on the scaffold.

Mr. KENNEDY. Did they start to push your people off the scaffold?

Mr. HARMANOS. They didn't actually push, but they asked us off the scaffold, and it is only 4 feet wide, and we had no place to go but to get off the scaffold. That is when I went to join Mr. Cochran, with his conversation with Mr. Brady and Mr. Bartell.

Mr. KENNEDY. Did they say that you had better become members of the union?

Mr. COCHRAN. No, sir. At that point I was determined we were going to work, and I looked up at the truckdriver, and I told him to continue unloading the blocks and disregard anything they said.

Mr. Bartell at that point dared me or anyone of our men to so much as touch a finger on a block, and they would see what would happen.

So I said, "Well, you men stay here, and I'll go down to the city hall, and we'll see about this."

So at that point Mr. Harmanos and I went down to the city hall to see whether we could get any police protection. We went in the office of the chief of police, and I wouldn't know his name, nor could I recognize him at this point. It was 4 years ago. But he said, "Well, let us see what we can do about this. Come on down the hall."

So we walked down the hall, and he introduced us to a man he said was the city solicitor.

Mr. KENNEDY. What was his name?

Mr. COCHRAN. Mr. McNulty. And Mr. McNulty said, "Oh, yes." He said—

Mr. KENNEDY. Did you tell Mr. McNulty you were having trouble?

Mr. COCHRAN. Well, the chief of police started to tell him we were having trouble with the union. He said, "Oh, come in. I represent them."

Mr. KENNEDY. He said, "I represent them"?

Mr. COCHRAN. Yes, sir.

Mr. KENNEDY. He represented these unions that you were having trouble with?

Mr. COCHRAN. That is correct.

Mr. KENNEDY. So what did you say?

Mr. COCHRAN. I said, "Well, what are we doing here? We are here to try to get some police protection." I said, "I don't see as you can do anything for us."

"Now" he said, "Wait a minute. Don't get off halfcocked. You men have rights, and I want to explain this to you."

He said, "They can't do that to you."

Then he endeavored to explain the rights which we had. He did ask us if there was any real violence, and were there any blows struck, any damage done, and, of course, we said "No." We just knew there would be. So at that point the chief of police said, "Well, the best I can do is to have a cruiser car go up there and cruise through there once in awhile."

I said, "Well, that wouldn't be of any use to us at all. With the number of men up there, a cruiser car would be useless."

Mr. McNulty said, "Now, if they caused any violence, for instance," he said, "if your wall were pushed in, I would suspect they did it. But you would have to prove that," and he said, "Of course, then that is where I would come in, and I would represent them."

Mr. KENNEDY. He would represent who?

Mr. COCHRAN. The union, or the officials.

The CHAIRMAN. Who said that? The attorney, the solicitor?

Mr. COCHRAN. The solicitor said that; yes.

The CHAIRMAN. In other words, if a crime was committed by them, he would defend them rather than to prosecute them?

Mr. COCHRAN. That is the inference that I got, sir.

The CHAIRMAN. I think that is the inference anyone would get, if you are relating the conversation correctly.

You had been carried to him when you sought police protection?

Mr. COCHRAN. Yes, sir.

The CHAIRMAN. You were carried to the city solicitor?

Mr. COCHRAN. I was taken to the city solicitor's office; yes, sir.

The CHAIRMAN. And he greeted you and was glad to see you?

Mr. COCHRAN. Yes, sir.

The CHAIRMAN. And he told you that he represented those folks?
Mr. COCHRAN. He did.

The CHAIRMAN. And then he finally suggested that if you did have trouble, for instance, if your wall should be pushed down, he would suspicion they did it?

Mr. COCHRAN. He did, sir; he said that.

The CHAIRMAN. But that he would represent them rather than prosecute them?

Mr. COCHRAN. He said in the event that we had a case against them, that he would represent them.

The CHAIRMAN. He would represent them?

Mr. COCHRAN. Yes, sir.

Senator IVES. May I ask a question? Who is supposed to represent you in all of this? Did he indicate that?

Mr. COCHRAN. Who was to represent us, you mean?

Senator IVES. Yes, did he tell you that?

Mr. COCHRAN. No, sir; he did not.

Mr. KENNEDY. Do you remember this conversation, Mr. Harmanos? Were you there during this conversation?

Mr. HARMANOS. I asked him if we could go back on the job and finish our job because we had very little of it left to do, and he said—

The CHAIRMAN. Get a little closer to the microphone, please.

Mr. HARMANOS. He said he didn't see much use in finishing the wall, because if we did something might happen to it and there is no use finishing it.

The CHAIRMAN. He was suggesting that you not finish the wall, and not finish the job?

Mr. HARMANOS. That is right.

The CHAIRMAN. And he was suggesting something would happen to it?

Mr. HARMANOS. Yes, sir. From what I gathered there, he was of the opinion we weren't wanted and the best thing to do was to pull out.

Mr. KENNEDY. So he suggested that if you went back and finished the wall, that something would happen to the wall?

Mr. HARMANOS. He said something might happen to the wall.

Mr. KENNEDY. And you gained the inference that you weren't wanted in the city of Scranton?

Mr. HARMANOS. That's right.

Mr. KENNEDY. That you had better leave?

Mr. HARMANOS. Yes, sir.

Mr. KENNEDY. Did something in fact happen to the wall?

Mr. HARMANOS. Later on Bill can tell you that; Mr. Cochran.

Mr. KENNEDY. Did something happen to the wall?

Mr. COCHRAN. Yes. Several days later, I am not sure as to the time lapse in between there, I received a call from someone living nearby, and I don't know who the call came from. They called into our construction company office and they didn't ask particularly for me, and it just came in and I happened to be there and received it. They said that our wall had been damaged quite extensively, and they didn't give me any name or wouldn't give me any information other than that, but said some day they might tell me all about it.

It seems to me that shortly after Mr. Denny also informed me, although I am not sure that he did, but it seems to me that he also informed me that the wall was damaged.

The CHAIRMAN. Who is he?

Mr. COCHRAN. He was the owner, the future owner of the home that was being built.

Mr. KENNEDY. Did you go down to that place?

Mr. COCHRAN. Well, I drove up there shortly after, within say an hour after. I was up on the job, and the wall wasn't damaged too badly, a couple of hundred dollars damage. I made up my mind then and there that we were whipped, and that it was just hopeless.

So I drove down through the city and I found a union contractor by the name of Mr. Gus Schmidt, now deceased, to take over the job and we went back up and tacked his sign on and we got out of there.

Mr. KENNEDY. It became union after that?

Mr. COCHRAN. Yes, sir.

Mr. KENNEDY. And you left Scranton then on that job?

Mr. COCHRAN. I got out of there, that particular job, although we continued to work in Scranton.

Mr. KENNEDY. Were you ever contacted by the police after that or were you contacted soon after that by the police?

Mr. COCHRAN. I was contacted by the State police, but it was quite some time after.

Mr. KENNEDY. About how long after?

Mr. COCHRAN. After the dynamiting of the Ruby house.

Mr. KENNEDY. But the city police never contacted you; is that right?

Mr. COCHRAN. Not that I remember; no, sir.

Mr. KENNEDY. Did you report this at all to anyone?

Mr. COCHRAN. No, sir; I did not.

Mr. KENNEDY. Why not?

Mr. COCHRAN. I wasn't particularly interested in getting revenge on anyone, and I was awfully mad when it happened, but the fact was that the damage which was done and I felt the union had gained their point. I would have to go into court again and prove who did this, or look for leads, and we have too many other things to do and I just couldn't see wasting a lot of time on that.

The CHAIRMAN. Did you feel that you were surrendering an American right by having to retreat and leave the job?

Mr. COCHRAN. Yes, sir; I did.

The CHAIRMAN. Do you know whether the union officials, the higher officials of that union, approved and countenanced that sort of tactics? Do you have any information about that?

In other words, is it a union policy or was this an exception, and just some hotheads or toughs going out and using force and violence?

Mr. COCHRAN. We worked all around Wyoming Valley within quite a large radius, and Scranton is the only place that we have run across anything like this.

The CHAIRMAN. Scranton is the only place?

Mr. COCHRAN. Yes, sir.

The CHAIRMAN. Then you would think it was confined largely to local officials of the union?

Mr. COCHRAN. Yes, sir, I would.

The CHAIRMAN. And not to the higher authorities of the union?

Mr. COCHRAN. That's right.

The CHAIRMAN. Did you appeal to the higher authorities of the union in any way?

Mr. COCHRAN. Well, Mr. Bartell seemed to be about the highest man there was around there to talk to.

The CHAIRMAN. That would be true possibly around there, and he was the one that was apparently directing or leading the effort to prevent you from constructing the building, is that correct?

Mr. COCHRAN. Yes, sir.

The CHAIRMAN. I mean anyone higher than him? What union is involved?

Mr. COCHRAN. Well——

The CHAIRMAN. Which union did Bartell represent?

Mr. COCHRAN. Bartell; the carpenters union, and also I understand he was the president of the trades council there, the Trade Union Council.

The CHAIRMAN. So he was the highest in authority there, so far as you knew?

Mr. COCHRAN. Yes, sir.

The CHAIRMAN. And you did not appeal to anyone higher than the local level?

Mr. COCHRAN. No, sir, I did not.

Senator IVES. I would like to ask the gentleman, was the solicitor to whom you referred an elective or appointive official of Scranton?

Mr. COCHRAN. I don't know, sir.

Senator IVES. He must be appointed by the mayor. I find he was appointed. I want to know who is the one responsible for it.

Is it the now mayor of Scranton, was he then mayor? Was the present mayor of Scranton then the mayor of Scranton when this happened?

Mr. COCHRAN. I am not sure. I think so, but I am not sure.

Senator IVES. What year was this that this happened?

Mr. COCHRAN. This was in 1953, and the early part of 1954.

Senator IVES. Evidence was given this morning to indicate that he was.

Senator GOLDWATER. Might I ask a question there? You are still in the contracting business?

Mr. COCHRAN. Yes, sir.

Senator GOLDWATER. You build homes?

Mr. COCHRAN. Yes, sir.

Senator GOLDWATER. This is a point of interest because of similar activities to what you have experienced going on elsewhere in this country. Have you ever contracted to build a structure in any community where you were prevented by restrictions of ordinance from using equipment made by Kohler of Wisconsin?

Mr. COCHRAN. No, sir; we were not.

Senator GOLDWATER. You haven't run into that?

Mr. COCHRAN. No, sir.

Senator GOLDWATER. That is all.

The CHAIRMAN. Is there anything further?

If not, thank you very much, gentlemen, you may stand aside.

Mr. KENNEDY. Mr. Lyon.

The CHAIRMAN. Will you come around, please, sir?

You do solemnly swear that the evidence you shall give before this Senate Select Committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LYON. Yes, sir.

TESTIMONY OF WILLIAM LYON

The CHAIRMAN. Be seated. State your name, your place of residence and your business or occupation.

Mr. LYON. Well, my name is William H. Lyon, and I am a bus driver for the Kansas Trails, and I live in 637 Cement Street, Independence, Kans.

The CHAIRMAN. Have you discussed the information that you have with members of the staff of the committee?

Mr. LYON. Yes.

The CHAIRMAN. Then you have a general idea of the questions that will be asked you?

Mr. LYON. Yes, sir.

The CHAIRMAN. Have you elected to waive counsel? You are entitled to have counsel present if you desire when you testify.

Mr. LYON. Yes, sir.

The CHAIRMAN. You do not care for counsel?

Mr. LYON. Well, I don't quite understand what you mean.

The CHAIRMAN. Anyone appearing and testifying before the committee under the rules of the committee is entitled to have a lawyer represent him and accompany him to the witness stand and advise a witness of his legal rights. You are entitled to have that, if you desire it.

Mr. LYON. Well, I would like to have one.

The CHAIRMAN. How long have you been subpoenaed?

Mr. LYON. I think it was last Monday that I got it.

The CHAIRMAN. Have you been to see an attorney?

Mr. LYON. No, sir.

The CHAIRMAN. When did you think about wanting one?

Mr. LYON. Well, right now, in fact.

The CHAIRMAN. Let me have the rule book.

Mr. KENNEDY. Mr. Chairman, he might not understand exactly what this is.

The CHAIRMAN. Under the rules, and I do not have it before me, the fact that a witness has been subpoenaed indicates he has been given an opportunity to secure counsel, knowing he is going to appear. After he appears the committee is under no obligation to continue to defer his testimony until he can get an attorney.

I am going to direct you to proceed with your testimony, and the Chair will undertake to protect your interests to the extent that if anything arises where you need, possibly, or want advice, or hesitate about answering a question, the committee then will determine whether to defer the remainder of your testimony until you can have an opportunity to get counsel.

The idea is to give a witness an opportunity to have counsel if he thinks he needs it. But every time we subpoena a witness, if he waits until he gets on the witness stand and then says he wants counsel, we would have eternal delays and unnecessary delays.

So we will proceed with your testimony, and I will observe closely and if at any time the Chair becomes convinced that you may be jeopardizing your own interests, I will give you an opportunity to have counsel.

Proceed.

Mr. KENNEDY. Mr. Lyon, for whom do you work now, did you say?

Mr. LYON. Kansas Trails Bus Line.

Mr. KENNEDY. Is that in Scranton, Pa.?

Mr. LYON. No.

Mr. KENNEDY. Where is that?

Mr. LYON. Independence, Kans.

Mr. KENNEDY. Now, Mr. Lyon, back in 1952, were you working in Scranton?

Mr. LYON. Yes, sir.

Mr. KENNEDY. What were you doing, and what was your position?

Mr. LYON. I was driving a truck for the Porter Co.

Mr. KENNEDY. And the union approached you about becoming a member, the teamsters union approached you about becoming a member of that union?

Mr. LYON. Yes, sir.

Mr. KENNEDY. Had you planned at that time to become a member of the teamsters union?

Mr. LYON. Well, I did until they got rough tactics toward me.

Mr. KENNEDY. You were going to join until they started to get rough with you?

Mr. LYON. Yes, sir.

Mr. KENNEDY. What was the first step that they took against you?

Mr. LYON. Well, they stopped me on the street, I think it was Oak Street, in Scranton, the first time.

Mr. KENNEDY. Who stopped you at that time?

Mr. LYON. Well, Mr. McHugh and three other men.

Mr. KENNEDY. What did they say to you?

Mr. LYON. Well, they told me, "You had better join the union right now or else we will fix you so you won't never drive a truck again."

Mr. KENNEDY. What did you say?

Mr. LYON. I told him, well, I said, "If you think you're man enough, O. K."

Mr. KENNEDY. Was there any further exchange between you and the 3 or 4 men?

Mr. LYON. Well not at the time being, anyhow, but the next day.

Mr. KENNEDY. Did they swear at you at that time?

Mr. LYON. Yes, sir.

Mr. KENNEDY. So what happened the next day?

Mr. LYON. So the next day I was taking a load of merchandise out there in the country, and I forget where it was at, but it was Hanlon Corners where they blocked the road in front of me.

Mr. KENNEDY. Did they follow you in a car, first?

Mr. LYON. Yes, sir.

Mr. KENNEDY. And then they cut through and blocked your passage?

Mr. LYON. Yes, sir.

Mr. KENNEDY. Then you stopped the car?

Mr. LYON. Yes, sir.

Mr. KENNEDY. And how many men got out of their car?

Mr. LYON. Well, there was Mr. McHugh and three other men.

Mr. KENNEDY. Mr. McHugh who had threatened you the first day?

Mr. LYON. Yes, sir.

Mr. KENNEDY. A business agent?

Mr. LYON. Yes, sir.

The CHAIRMAN. Was anyone with you?

Mr. LYON. No, there was no one with me.

Mr. KENNEDY. And so what did you do? You stopped your car or your truck?

Mr. LYON. I stopped the truck, because they were right across the road in front of me. I couldn't go through or else I would run over them. When I stopped there, the clutch went out on the truck and I couldn't go either backward or forward and I was on a sort of a hill like, and so I let the truck go back down to the foot of the hill, and they followed me right down to the foot of the hill, and they started swearing and hollering at me. And Mr. McHugh even said to the men, "Drag him out of there and we'll lynch him right there."

Mr. KENNEDY. What did you do?

Mr. LYON. So I just sat there and waited for them, and I had a little steel hammer in my cab and I said to them, "Well, the first one of you who sticks your head in here is going to get your skull split open."

John T. Porter Co., came up to the truck and he smacked the window with his fist, and they started throwing stones at it, and started trying to rock it and they said they were going to tip it over, but they didn't make out.

Mr. KENNEDY. So what happened?

Mr. LYON. So one of the State troopers that was on the highway happened to come through, and they seen him, and they scattered out of there. McHugh says "Let's get out of here. Here comes the cops."

Mr. KENNEDY. So they left?

Mr. LYON. Yes, they left.

Mr. KENNEDY. What did you do then?

Mr. LYON. Well, I got in with the State trooper and he give me a ride up to an auto exchange that was about a half-mile or a quarter of a mile, something like that, back from where I was stopped at. I notified my foreman there at the place in Scranton, and he says "Well, I will send a man right out after you." So they sent his foreman out after me. They took and had a hearing over it, after that, over in Honesdale.

Mr. KENNEDY. Was a complaint sworn out against Joe McHugh?

Mr. LYON. Yes, sir.

Mr. KENNEDY. Did it ever come to trial at any time? Did you ever hear about it after that?

Mr. LYON. Well, they had me come down to Scranton there once to a court hearing, and they asked me if I knew a certain man, and they showed his picture to me and showed him to me, and asked me if he was in that line-up with the other men there, and I said no he wasn't, and that is the last I ever heard of it.

Mr. KENNEDY. Nothing ever happened?

Mr. LYON. No.

Mr. KENNEDY. You never heard anything further about it?

Mr. LYON. No.

Mr. KENNEDY. Mr. Chairman, the record shows that the charges against Mr. McHugh and the rest were dropped and that the attorney for the teamsters paid \$12 for the damage to the truck. That was the disposition.

The CHAIRMAN. Let me ask the witness about it.

Did you ever get any damage for the truck?

Mr. LYON. It wasn't my truck, so I don't know. I quit the job right after that.

The CHAIRMAN. Because of this incident?

Mr. LYON. No.

The CHAIRMAN. You were never allowed to testify against them?

Mr. LYON. No; I never was.

The CHAIRMAN. Did you ask that the charges be filed against them?

Mr. LYON. Yes.

The CHAIRMAN. After that you were never called to testify?

Mr. LYON. No, I wasn't.

The CHAIRMAN. Are there any other questions?

Do you have, Mr. Duffy, the certified copy of the record of dismissal of the charges?

Mr. DUFFY. I have it downstairs?

The CHAIRMAN. You have a certified copy?

Mr. DUFFY. Yes, I do.

The CHAIRMAN. The certified copy of the record of dismissal of the charges against the men will be placed in the record at this point.

(Document referred to follows:)

Information

Commonwealth of Pennsylvania } ss.
County of WAYNE }



The Information of WILLIAM LYON OF 217 DELEWARE ST, FOREST CITY, PA.
in the County aforesaid, taken upon HIS oath before N. C. FARNHAM
one of the JUSTICE OF THE PEACE in and for said County, at HIS Office in THE BOROUGH OF
HONESDALE, PA. the 14TH day of MARCH A. D. 19 52, saith that on the
13TH day of MARCH A. D. 19 52, in the County aforesaid

TOWNSHIP OF SALEM AND STATE OF PENNSYLVANIA AND WITHIN THE JURISDICTION OF
THIS COURT, ONE JOSEPH McHUGH, THEN AND THERE BEING, ~~THREATENED~~ AND ONE JOHN
NALLIN, THEN AND THERE BEING, DID UNLAWFULLY AND MALICIOUSLY THREATEN TO
DO HARM TO THE PERSON OF WILLIAM LYON AND BY SUCH THREATS IS IN DANGER OF
BEING HURT IN BODY AND FEARS THE SAME.

ALL CONTRARY TO THE ACT OF MARCH 31ST, 1860 AS AMENDED AND ALL

Case settled between parties now paid by Referee Wm Nealon Jr.
in sum of 600 April 11th 1952

Contrary to the Act of Assembly in such cases made and provided, and against the peace
and dignity of the Commonwealth of Pennsylvania. And further saith not.
Sworn and Subscribed before me this 14TH day of MARCH A. D. 19 52

Wm Nealon Jr.

My Commission expires Jan. 2nd, 1956
Official Title My Commission Expires Jan. 2nd, 1956

Information

Commonwealth of Pennsylvania } ss.
County of WAYNE



The Information of WILLIAM LYON OF 217 DELAWARE ST., FOREST CITY, PA.
in the County of ~~Wayne~~ said, taken upon HIS oath before N. C. FARNHAM
one of the JUSTICE OF THE PEACE in and for said County, at HIS Office in THE BOROUGH OF
HONESDALE, PA. the 14TH day of MARCH A. D. 1952, saith that on the
13TH day of MARCH A. D. 1952, in the County aforesaid
TOWNSHIP OF SALEM AND STATE OF PENNSYLVANIA AND WITHIN THE JURISDICTION OF
THIS COURT, ONE JOHN NALLIN, THEN AND THERE BEING, DID UNLAWFULLY IN AN
ANGRY, RUDE, AND INSOLENT MANNER COMMIT AN ASSAULT UPON WILLIAM LYON BY
ATTEMPTING WITH FORCE AND VIOLENCE TO DO CORPORAL HURT ON HIM AND PLACING
HIM IN APPREHENSION OF RECEIVING HARMFUL AND OFFENSIVE CONSEQUENCES AND
INJURIES TO HIS PERSON

ALL CONTRARY TO SECTION 708 OF ACT 375, APPROVED THE 24TH DAY OF
JUNE A.D. 1939 AND ALL

*Base settled between parties & costs of 600 paid by Ref. atty
Mrs Nelson Jr. ap. 11/15/1952*

Contrary to the Act of Assembly in such cases made and provided, and against the peace
and dignity of the Commonwealth of Pennsylvania. And further saith not.

Sworn and Subscribed before me this 14TH day of MARCH A. D. 1952

My Commission expires 12th Dec 1953 P. M.
Official Title
C. O. Farnham Esq. 2nd. 1939

William H. Lyon

Criminal Warrant

JOHN NALLIN, 814 LEE COURT,
SCRANTON, PA.Commonwealth of Pennsylvania } ss.
County of WAYNE

To any Constable or any Police Officer of said County, GREETING:

You Are Hereby Commanded, to take the body of JOHN NALLIN
before N. C. FARNHAM if HE be found in said County, and bring HIM
County, to answer the State of Pennsylvania, upon a charge founded on THE OATH OF
WILLIAM LYON OF 217 DELEWARE ST., FOREST CITY., PA. CHARGING THE SAID JOHN
NALLIN WITH ASSAULT UPON HIM AT SALEM TOWNSHIP, WAYNE CO., PA. ON MARCH 13TH,
1952

and further to be dealt with according to Law. And for so doing this shall be your Warrant.
Witness our said JUSTICE OF THE PEACE at HONESDALE, PA.
who hath hereunto set HIS hand and seal the 14TH day of MARCH A. D. 19 52

Justice of the Peace, Honesdale, Pa.

My Commission Expires Jan. 2nd, 1955

J. G. Lambour

Seal

My commission expires the first Monday in Jan. 19

Criminal Warrant

JOSEPH MCHUGH 208 F. GROVE ST
DUNMORE, PA.JOHN NALLIN 814 LEE COURT,
SCRANTON, PA.Commonwealth of Pennsylvania }
County of WAYNE } ss.*To any Constable or any Police Officer of said County, GREETING:*

You Are Hereby Comanded, to take the bodies of JOSEPH MCHUGH AND
JOHN NALLIN if THEY be found in said County, and bring THEM
before N. C. FARNHAM one of our JUSTICE OF THE PEACE in and for said
County, to answer the State of Pennsylvania, upon a charge founded on THE OATH OF
WILLIAM LYON OF 217 DELEWARE ST, FOREST CITY, PA. CHARGING THE SAID JOSEPH
MCHUGH AND JOHN NALLIN WITH UNLAWFUL AND MALICIOUS THREATS TO DO HIM HARM
ON THE 13TH DAY OF MARCH, 1952 AT SALEM TOWNSHIP, WAYNE CO., PA.

and further to be dealt with according to Law. And for so doing this shall be your Warrant.
Witness our said JUSTICE OF THE PEACE at HONESDALE, PA.,
who hath hereunto set HIS hand and seal the 14TH day of MARCH A. D. 19 52

Justice of the Peace, Honesdale, Pa.

My Commission Expires Jan. 2nd, 1956

My commission expires the first Monday in Jan. 19

WILLIAM J. NEALON, JR.,
ATTORNEY AND COUNSELOR-AT-LAW,
Scranton, Pa., April 11, 1952.

MR. N. C. FARNHAM,
515 Park Avenue,
Honesdale, Pa.

DEAR SIR: Please find enclosed a check for \$12 representing the payment of costs instituted by William Lyons against John Nallin and Joseph McHugh.

The aforementioned altercation arose out of a labor dispute which has now been amicably settled.

Trusting you will find the enclosed in order, I remain

Very truly yours,

WILLIAM J. NEALON.

The CHAIRMAN. Thank you very much.

You may stand aside now.

MR. KENNEDY. I would like to recall Mr. Bradshaw.

TESTIMONY OF PAUL BRADSHAW—Resumed

The CHAIRMAN. Mr. Bradshaw, you were sworn this morning, and the testimony will now be resumed.

Proceed, Mr. Counsel.

MR. KENNEDY. Mr. Bradshaw, it was brought out this morning about a conversation that you had with the mayor of Scranton. Could you tell the committee when that conversation took place, that the mayor has denied?

MR. BRADSHAW. It was some time in May of 1955. I was going downtown. I was going out to the Bellevue section of Scranton, and the mayor was down there on Third Street, in one of the voting polls. He was getting in his car and I pulled by him, I parked, got out of my car, walked back to his and I talked to him.

MR. KENNEDY. What was the conversation that you had with him?

MR. BRADSHAW. He said "How are you?" and I said, "How are you, Mayor?" And we talked for a few minutes. He said, "Paul, tell me, how are you making out?" I said, "I am a little disturbed. These friends of mine are all giving me the business and things like that." I said, "I got something that I think will turn the city upside down."

"Oh, no," he said, "Don't do anything like that yet, Paul, until after the elections."

MR. KENNEDY. Was there any discussion about any people at that time?

MR. BRADSHAW. Yes. He asked me, he said, "Paul, they tell me that Bob Malloy's brother is in on this." I said, "That is right." And he said, "They tell me that Jackie Munley's brother, Billy, is in on it," and I said "That is right."

MR. KENNEDY. Jackie's brother, Billy, was the one that pushed the charge of the dynamite; is that right?

MR. BRADSHAW. That is right. He pushed it and set it.

MR. KENNEDY. And Jack Munley, at that time, did he have any kind of a position?

MR. BRADSHAW. He was superintendent of roads and bridges for the county.

MR. KENNEDY. For the county?

MR. BRADSHAW. Of Lackawanna County.

Mr. KENNEDY. So he had a position in the government at that time?

Mr. BRADSHAW. In the State; yes.

Mr. KENNEDY. Was there any further conversation?

Mr. BRADSHAW. No, sir.

The CHAIRMAN. When was the election to be held, with reference to the time of your conversation?

Mr. BRADSHAW. This was on the election day, that he was at the voting polls there that we talked. It must have been the primary election, and he figured the general, when the general came up. I don't know. I haven't been in politics. I don't know.

The CHAIRMAN. It was sometime in May?

Mr. BRADSHAW. That is right. I know it was in May.

The CHAIRMAN. And it was on election day?

Mr. BRADSHAW. That is right.

The CHAIRMAN. Had you threatened to make any disclosure of it at that time to the mayor?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. Had you threatened or stated that you were going to, in the course of that conversation with him at that time?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. Had you ever talked to him before about it?

Mr. BRADSHAW. No, sir.

The CHAIRMAN. So you had not threatened at any other time, but it was in your conversation that day?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. What did he say? Let us get it exactly. He has denied it. He has sent a telegram in here denying any such conversation. You are under oath. We will give him an opportunity. If he wants to come in here under oath, we will let him do it.

Go ahead now.

Mr. BRADSHAW. He said, "Paul, wait until after the elections," he says, "and I will see the district attorney," he says, "and I will see what can be done."

That was the end of the conversation.

The CHAIRMAN. That is all that was said?

Mr. BRADSHAW. That is all that was said.

The CHAIRMAN. Did you ever talk to him about it afterwards?

Mr. BRADSHAW. Never.

The CHAIRMAN. You never went back to him and talked to him to inquire what he found out could be done?

Mr. BRADSHAW. No.

The CHAIRMAN. Why?

Mr. BRADSHAW. Because I come out with the recordings, with the recording machines, the recordings—the tapes—about 2 weeks after that.

The CHAIRMAN. You waited until after the election?

Mr. BRADSHAW. Yes; I did.

The CHAIRMAN. You did not have long to wait. That was election day.

Mr. BRADSHAW. It was election day I talked to the mayor.

The CHAIRMAN. So in about 2 weeks afterwards, you disclosed the fact that you had these recordings, these tape recordings?

Mr. BRADSHAW. That is correct.

The CHAIRMAN. And you turned them over to a newspaper?

Mr. BRADSHAW. That is correct.

The CHAIRMAN. Then they received publicity, or did they? Did the paper publish anything about them?

Mr. BRADSHAW. Well, later on, yes.

The CHAIRMAN. They did not at that time?

Mr. BRADSHAW. No.

The CHAIRMAN. How much later? How long afterwards did the paper publish it?

Mr. BRADSHAW. Do you mean on the mayor's statement or just the recording?

The CHAIRMAN. How long after you delivered the tape recordings to the newspaper before they gave publicity to it?

Mr. BRADSHAW. I would say about 2 weeks.

The CHAIRMAN. About 2 weeks later?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. So that would be about a month, then, after the election?

Mr. BRADSHAW. That is right.

The CHAIRMAN. That is, that the publicity actually broke regarding the dynamite?

Mr. BRADSHAW. To the best of my knowledge, that is about right, sir.

The CHAIRMAN. All right, Counsel.

! Senator GOLDWATER. Mr. Chairman?

The CHAIRMAN. Senator Goldwater.

Senator GOLDWATER. I have one question in connection with tapes. This morning you mentioned that a Miss Canfield helped you make these tapes?

Mr. BRADSHAW. Yes, sir.

Senator GOLDWATER. Who is she?

Mr. BRADSHAW. She is a union member, and she is a friend of mine, and she is a member of 229.

Senator GOLDWATER. Why did you go to her, or did she come to you?

Mr. BRADSHAW. Well, the lawyer I had at the beginning always told me, "If you have ever done anything, Paul, always have a witness with you." She was about the only one that had the guts besides myself to get them. And it was her idea to get the tape recordings. She figured we should have them, and we did.

Senator GOLDWATER. Are those tape recordings of conversations that took place in a room or were they over the telephone?

Mr. BRADSHAW. No; they are right in a room.

Senator GOLDWATER. Right in a room?

Mr. BRADSHAW. Yes, sir.

Senator GOLDWATER. Were they done in any particular spot, in your home or her home?

Mr. BRADSHAW. It was in her home, sir. We had the microphone hidden in a bushel basket of clothes with a nylon kerchief over it, and we had the wire run from there into the front room, and the recorder was under a little table.

Senator GOLDWATER. That is all I have.

The CHAIRMAN. All right, Mr. Counsel.

Mr. KENNEDY. I want to take you back over some of these matters that have been discussed by these other witnesses and the part that you played in them.

You discussed the Ryan job and the fact that you were out there at the time that this mass picketing took place, and when they pulled the wires off the trucks and let the air out of the tires, and dangled the man from the bridge. You were there during all of that?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. Prior to the time that they let the air out of the tires and pulled the wires off the trucks, these people that performed these acts, did they receive instructions from the union officials to do so?

Mr. BRADSHAW. Yes, sir.

We were standing around up there on the job. Bartell and Brady come down in their car. There must have been about 20 of us there at the time. Bartell and Brady told us to go up and get them trucks that is coming in on the bridge and do a job on them. We went right up to do the job.

Mr. KENNEDY. So when these acts were being performed, they were being done on the instructions of the higher union officials?

Mr. BRADSHAW. This was on Phil Brady and Joe Bartell.

Mr. KENNEDY. Did you have any part in the Sonny-Boy Bakery, in the stink-bomb incident?

Mr. BRADSHAW. Yes; I did.

Mr. KENNEDY. What part did you have in that?

Mr. BRADSHAW. I drove the car. I was driving my car up Linden Street, and John Durkin, business agent for 229, was standing on the sidewalk talking to Robert Hubshman. John waved me down. I pulled over to the side. I went over to him and he said "Come on upstairs, Paul. I want you to drive Hubshman over to the south side."

We got upstairs. John Durkin got a bottle of stink-solution fluid from a little safe that they had in the office, and handed it to Hubshman. It was a quart bottle. He said, "Drive Hubshman over there and Hubshman will throw this through the window."

We got in the car and went over as far as south side. We got as far as the high school. I don't know if it was myself or Hubshman, but we figured a quart was maybe too much, so we threw half of the quart away and put the other half in small bottle, a pint bottle. We pulled up as far as the bakery. Hubshman got up, went up to the door, threw the bottle of stink solution through, got in the car, and we took off.

Mr. KENNEDY. Did you play any other part in the Sonny-Boy Bakery?

Mr. BRADSHAW. No.

Mr. KENNEDY. You did not beat anybody up?

Mr. BRADSHAW. No. Nothing.

Mr. KENNEDY. Hubshman, I understand from your testimony, got into quite a number of fights. Did he ever get into any fights in which the other person won?

Mr. BRADSHAW. Oh, yes. Oh, yes.

Mr. KENNEDY. What about the Ryan job? Did he get into a fight about that time?

Mr. BRADSHAW. Bob Malloy called Robert Hubshman——

Mr. KENNEDY. What was Bob Malloy's position?

Mr. BRADSHAW. Business agent for 229.

Mr. KENNEDY. The teamsters?

Mr. BRADSHAW. Yes, sir; he called us over to his office. When I got over there, Hubshman was over there and Joe Malloy. When we got in there, Bob Malloy says, "Paul," he talked to us all, "how about going up on the Ryan job? There is a couple of trucks coming in. Get the trucks, stop the drivers, and give them a bad time. Don't let them unload the steel."

So Bartell come down from upstairs, and he threw a hundred dollars on the table. He said, "Go out and get a few drinks," and he threw the hundred dollars to us. We went out on the job. We got in this one beer garden and Hubshman got into an argument with one of the farmer boys. The boy told him "I am not concerned with this union job out there. My home is where they are putting the road through, and I don't care if it is union or isn't union."

Hubshman went along calling them all no good scabs and everything else, and the guy says "I don't have to take that from you." So Hubshman says "Come on outside," and the fellow says "O. K." They went outside, and Hubshman threw a couple of punches at him. I looked around and Hubshman was on his behind. Two teeth flew in the air. Hubshman says to the guy, "I got enough." And the guy walked away.

We stood there watching, and as the guy walked around, Hubshman got up and nailed the guy in the neck. The guy turned around and nailed Hubshman again and down goes Hubshman again. Then the farmer boy put his knees in Hubshman's shoulders, and said, "Now, Boy, I can kill you, but I am not built that way."

We got him home, and his lip was all busted up. They took him to the State hospital and patched him up.

Then they took him to the dentist the next day, and it cost the building trades \$200 for a new set of teeth. It was a big improvement.

Mr. KENNEDY. Now, Mr. Bradshaw, did you have anything to do with pushing down the wall on the Denny job, which Mr. Cochran and Mr. Harmanos testified to here?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. What part did you play in that?

Mr. BRADSHAW. I was called over to the Linden Cafe.

Mr. KENNEDY. Where were you working at the time?

Mr. BRADSHAW. Tobyhanna. I was home and I was called by Bob Malloy.

Mr. KENNEDY. Bob Malloy?

Mr. BRADSHAW. Yes; the business agent for 229. I went to the Linden Cafe, and there was, I think, about 10 there. At Yank's Diner there was another 10 or 15 men. From there, we went over into the Denny home. At the Denny home we started to knock the wall down and things like that.

Mr. KENNEDY. Had there been any discussion that you were going to knock the wall down?

Mr. BRADSHAW. Yes. Bob Malloy told us before we went up, he said "You know, it isn't too bad, but the nerve of this guy building a whole nonunion job right behind the president of the union trades home."

He says "Talk about guts, we are going to do a good job on this guy."

When we got out of the car, I was with Bob Malloy, we parked my car and I got in Bob Malloy's car, as we got out, we walked down the road and Malloy says, "Hey, Brady, what are you doing?" Brady was throwing cement bags all over the road. Brady say "Holy Christ, Bob, don't mention my name."

It was like the Fourth of July. There were houses there, and lights all on, and nobody seemed to care about a darn thing.

Mr. KENNEDY. Did people see you out there?

Mr. BRADSHAW. Yes, they seen us.

Mr. KENNEDY. They saw you pushing the wall over?

Mr. BRADSHAW. I don't know about that, but they seen us in the foundation and around the foundation. I don't think they could see in the foundation, in the hole.

Mr. KENNEDY. What happened? Did they push the wall over then?

Mr. BRADSHAW. Yes; they pushed the wall over.

Mr. KENNEDY. What else did you do?

Mr. BRADSHAW. Well, from there——

Mr. KENNEDY. Did you slit the bags of cement?

Mr. BRADSHAW. No; I threw a bag of cement and Bob Malloy slit it. He had the knife. He was doing the cutting.

Mr. KENNEDY. Were there a lot of bags of cement that were cut?

Mr. BRADSHAW. I would say there were about 10, anyhow.

Mr. KENNEDY. And then the wall was pushed over?

Mr. BRADSHAW. That is right.

Mr. KENNEDY. Did you ever hear anything from that? Did anybody ever question you about that? The police?

Mr. BRADSHAW. No. Not until after the dynamiting case.

Mr. KENNEDY. Not until after the dynamiting?

Mr. BRADSHAW. That is right.

Mr. KENNEDY. You talked about the dynamiting some this morning. I want to establish first when you first learned there was something to be done, and which ultimately led to the dynamiting. You were working at Tobyhanna?

Mr. BRADSHAW. Yes, sir. I was working in Tobyhanna. It was about 11:30 or 11:45. I had a little trouble with the truck from out of town. The fellow didn't want to put a man on to do the unloading, so I called the union hall. I called the union hall for Joe McHugh. He was out of town, but John Durkin answered the phone.

John says, "Paul," he says, "Bartell, Brady, and Bonacuse is coming up on the job to see you. They got something they want you to do."

Mr. KENNEDY. Did you know who they were at the time?

Mr. BRADSHAW. Yes. This is Brady, Bartell, and Bonacuse. I knew them. He says, "Go along with them, whatever they have in mind."

Mr. KENNEDY. Joe McHugh told you that?

Mr. BRADSHAW. John Durkin.

Mr. KENNEDY. He was head of the teamsters?

Mr. BRADSHAW. That is right. Financial secretary and treasurer. Also vice president of the Federation of Labor of Pennsylvania.

Mr. KENNEDY. So they came up to see you?

Mr. BRADSHAW. Yes, sir; they came up to see us.

Brady and Bartell come over and talked to Joe Malloy and I, the brother of Bob Malloy. From there, we had an appointment to meet at the American Legion post.

MR. KENNEDY. What did they tell you at that time?

MR. BRADSHAW. At that time, they told us that there was a wise-guy contractor in, and he was building a home next to the Jewish cemetery on North Main Avenue, High Park. He said, "The guy needs to be taught a good lesson. He is a wise guy. How about going over——"

MR. KENNEDY. Who told you this?

MR. BRADSHAW. Bartell was doing all the talking. He says, "How about going over and cut some of the joists," he says, "and push the wall," he says, "and things like that."

He says, "Do a good job on the place."

We told him we would. As they were walking away, Bartell turned and said, "Paul, get in touch with Hubshman. He knows all about it."

MR. KENNEDY. So it was going to be Joseph Malloy, you, and Hubshman?

MR. BRADSHAW. That is right.

Then before we left, we were going to eat dinner over at the lunch-room, it was close then to 12 o'clock, and George Murphy was out in the field unloading the truck. He come in and he asked what it was all about, and we told him, and he volunteered to go with us, so that made four of us.

MR. KENNEDY. Who was George Murphy? Was he a teamster?

MR. BRADSHAW. That is right.

MR. KENNEDY. Not an official, but just a member of the teamsters?

MR. BRADSHAW. That is right.

MR. KENNEDY. Did you meet that night?

MR. BRADSHAW. Yes.

MR. KENNEDY. Who met?

MR. BRADSHAW. George Murphy, Robert Hubshman, Joe Malloy, and myself. We met with Joseph Bartell and Phil Brady at the American Legion on Washington Avenue.

MR. KENNEDY. Did you discuss at that time what you were going to do?

MR. BRADSHAW. Yes, we did.

MR. KENNEDY. Did you saw through the joists completely? How were you supposed to do that?

MR. BRADSHAW. He told us to saw the joists to a breaking point, not to saw them all the way through.

MR. KENNEDY. Who told you this?

MR. BRADSHAW. Bartell.

"And," he says, "9 out of 10 times he will never notice it, and when the home is built and the people move in, the thing will collapse, and," he says, "he will have ulcers."

MR. KENNEDY. So did you plan that is the way you were going to handle it?

MR. BRADSHAW. That is right.

MR. KENNEDY. Did you go over that night to look at the house, at the home?

MR. BRADSHAW. Yes, that night we went over to look at the home. We went over in my automobile. We rode around the place a couple of times, and parked my car.

Robert Hubshman and Joe Malloy got out, went across a little field, and went down into the foundation of the home that was being built. They were in there about 5 minutes. They come out, they got in the car, and as they got in Hubshman says "Christ, that place is really put together. We can never touch that. The only way we can touch that is to throw a stick of dynamite into it."

I said, "Dynamite? You are crazy."

That is the first time I have ever heard of dynamite in anything we have ever done.

He says to me, "Can you use dynamite, Paul?"

And I said, "No. If I could, I wouldn't."

He says, "I got a guy that can use it."

I said, "Who?"

He says, "Billy Munley."

I says, "Jackie's brother?" And he says, "Yes."

He says "Let's take a ride up to Munley's Cafe."

We went up to Munley's Cafe in Jessup, Pa. We got up there and I talked to Jackie, and he says, "Oh, no, Paul, Billy isn't going to have anything to do with that. That is out."

Mr. KENNEDY. Jackie Munley had a cafe?

Mr. BRADSHAW. That is right. He had a beer garden.

So we left there and we come back down to Scranton and we dispersed.

The next afternoon we went up to Joe Bartell's home and we told Joe about it, and Joe said, "Oh, no, don't use dynamite. That is out."

He went in the house and he got some saws. He says "Here is some real good sharp saws. Do the job," he says, "that I told you to do, and," he says, "do it good, and there will be a good bonus in it for you guys."

The CHAIRMAN. Where was that bonus coming from?

Mr. BRADSHAW. The Building Trades.

The CHAIRMAN. Out of the treasury?

Mr. BRADSHAW. I imagine, I don't know, sir.

The CHAIRMAN. The man talking to you was president of the Building Trades Council, was he not?

Mr. BRADSHAW. That is correct.

The CHAIRMAN. And there was going to be a good bonus in it for you if you did a good job?

Mr. BRADSHAW. That is correct.

The CHAIRMAN. All right.

Senator Goldwater.

Senator GOLDWATER. Mr. Bradshaw, I want to get something straight. I believe you testified this morning that you are a member of the teamsters, is that correct?

Mr. BRADSHAW. No, sir, not now. I was. I dropped out myself.

Senator GOLDWATER. You were a member of the teamsters union when this was taking place?

Mr. BRADSHAW. That is right, sir.

Senator GOLDWATER. Was this not an argument between the Building Trades Union, the AFL, and the contractor?

Mr. BRADSHAW. That is right, sir.

Senator GOLDWATER. Was it a practice for the AFL to come over and borrow people like yourself from the teamsters when they needed a job done?

Mr. BRADSHAW. Well, sir, I never knew of anything like that until Bob Malloy was elected as business agent. He beat Marty Piepoli. When he got in, then they joined with the Building Trades, and that is when the stuff all started.

Senator GOLDWATER. When the teamsters had trouble, would the AFL Building Trades come over and help them pull the wires off the cars and dangle the drivers over the river?

Mr. BRADSHAW. They never helped the teamsters. The teamsters did all the work for everybody else.

Senator GOLDWATER. The teamsters never needed any help?

Mr. BRADSHAW. No. We never needed any help.

Senator GOLDWATER. So, in effect, both unions helped each other in creating disturbance that would make it unattractive for contractors to work?

Mr. BRADSHAW. Bob Malloy says "If we stick together we are strong," he says. That is what he always told me and that is the way it worked.

Senator GOLDWATER. Let me ask you this: These activities were done at the local level?

Mr. BRADSHAW. Yes, sir.

Senator GOLDWATER. Through the locals?

Mr. BRADSHAW. Yes, sir.

Senator GOLDWATER. Your local and the building trades local?

Mr. BRADSHAW. Yes, sir.

Senator GOLDWATER. Did you ever know of these activities being discussed at the council level?

Mr. BRADSHAW. No, sir. I don't know.

Senator GOLDWATER. Did you ever hear of anybody complaining to the State organization of either the AFL or the teamsters?

Mr. BRADSHAW. No, sir.

Senator GOLDWATER. Who, in effect, would order these things done?

Mr. BRADSHAW. The orders I always got was Bob Malloy always called me and then on two occasions John Durkin called me.

Senator GOLDWATER. Both of those are teamsters?

Mr. BRADSHAW. That is right.

Senator GOLDWATER. You never would do a job for the AFL without the teamster's sanction?

Mr. BRADSHAW. Not without John Durkin, Joe McHugh or Bob Malloy telling us to.

Senator GOLDWATER. Are there any other locals in that area? Are there any other union's locals?

Mr. BRADSHAW. Do you mean the teamsters?

Senator GOLDWATER. Either AFL or so on. Do you have the steamfitters and pipefitters?

Mr. BRADSHAW. Steamfitters, pipefitters, bricklayers, laborers.

Senator GOLDWATER. Culinary workers?

Mr. BRADSHAW. Yes, sir.

Senator GOLDWATER. Bartenders?

Mr. BRADSHAW. Yes, sir.

Senator GOLDWATER. Did you all get together on these jobs?

Mr. BRADSHAW. No, sir.

Senator GOLDWATER. Just the building trades and the teamsters?

Mr. BRADSHAW. That is right.

Senator GOLDWATER. Thank you.

Mr. KENNEDY. So you had the meeting that night and went and looked the place over. You went in your car? You brought your car over there?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. And it was decided, or Hubshman suggested that the place be dynamited, that the construction was too rugged to saw the joists?

Mr. BRADSHAW. That is right, sir.

Mr. KENNEDY. So you went to Jack Munley, Billy Munley's brother, and had a conversation with him, and he said that Billy would never do anything like that, is that right?

Mr. BRADSHAW. That is right.

Mr. KENNEDY. So what happened after that?

Mr. BRADSHAW. The next afternoon we went up and seen Bartell, as I told you before, and he gave us the saws. He says "Don't do any dynamiting."

Mr. KENNEDY. Bartell said he didn't want the dynamiting?

Mr. BRADSHAW. That is right. He says "Don't do any dynamiting. That is out. Forget about the whole mess," he says, "if you boys are going to do any dynamiting."

So, anyhow, that night we met again and we went up to Munley's to pass some time. As we left Munley's Jackie Munley passed the wire and the plunger out from behind his bar to his brother Billy and Joe Malloy and Robert Hubshman, as Murphy and I were standing at the pinball machine talking.

Mr. KENNEDY. Is this the same Jackie Munley who had the position with the State at that time?

Mr. BRADSHAW. Yes.

Mr. KENNEDY. What was his position?

Mr. BRADSHAW. He was superintendent of roads and bridges in the county.

Mr. KENNEDY. He was the one that passed—passed the what?

Mr. BRADSHAW. Passed the plunger and the wire from behind his bar.

Mr. KENNEDY. Go ahead.

Mr. BRADSHAW. So I went over to Jackie and I told him, I says, "Holy god, Jack, I told you last night I didn't want that done" and he said, "Oh, Paul, for christ's sake, it is only a shanty in a farmer's field." And I said, "No, it is not, it is right in that section, at High Park."

I tried to explain it to him, and he said, "Well, it is nothing to me," and I said, "Well, that is it."

So they walked out the door, and Malloy, Joe Malloy, that is, Robert Hubshman, and Billy Munley got in Billy Munley's car and drove down in the vicinity of the home. George Murphy and myself got into Bobby Hubshman's car with me driving and we drove down behind them.

So we weren't going near the home. We were going to go down in the lunchroom, have something to eat and go home.

We got near the place and I says to Murphy, I said, "Murf, let's go over. Maybe we can talk them out of the dynamiting, give one more

try." He say, "Okay." So we go over as far as the place, and Hubshman was on the sidewalk, and I asked him, I says, "Bob, are you still going to do it," and he says "Yes." And we says "Well, if you guys are going to do it, do it, but we are going to have no part of it." And we took off.

I was maybe 50 or 60 feet up the road when I heard "Paul," Hubshman hollering to me, and he run up and he says "You can do at least one thing. When you get up as far as the fire department, if there is no one coming down the road, blink the lights so we won't hurt anybody." We got up as far as the fire department and I stopped. Something told me to look into the glove compartment of the car. I happened to hit the glove compartment and I opened it up and there were two sticks of dynamite. I figured that is what they were going to use, in the car. I didn't know that was in Munley's car. I took the two sticks of dynamite and busted it up and threw it away.

We blinked the lights and took off. I was a block and a half or two blocks past the home and I stopped the car. Murf says to me, "What are you stopping about, Paul?" And I says, "I want to hear the bang. Maybe they will really do it or they will change their minds."

We heard the bang and took off. We met at Yank's Diner, and that was the end of that until the next day.

Mr. KENNEDY. Was there a great hue and cry raised by the newspaper at that time?

Mr. BRADSHAW. No; not at that time.

Mr. KENNEDY. What happened? Did you hear anything about what was happening?

Mr. BRADSHAW. The next afternoon, we went up to Bartels, Joe Malloy and I went up to Bartells. So Joe was a little bit mad about the dynamite, but he says, "Don't worry about it," he says, "Paul, it will be in the paper for a day or two and that will be the end of it. Forget about it and keep your mouth shut." So he says, "Here is a hundred dollars. Give each of the boys 20 bucks and have a few drinks."

So he gave us the hundred dollars. I took \$40 of it and I gave \$20 to Murphy and Joe Malloy took the \$60 and gave \$20 to each of the other boys.

So that was the end of that.

Mr. KENNEDY. So for dynamiting the home, you each got \$20?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. Was there anything done after that? Did you hear anything further about it?

Mr. BRADSHAW. No, sir.

Mr. KENNEDY. Then were you ultimately arrested?

Mr. BRADSHAW. No; I was picked up sometime in the middle of the summer there, and the district attorney was questioning everybody after the papers made a pretty big issue out of it. They started taking people in and questioning them and talking to them. I was questioned like anybody else.

Mr. KENNEDY. Did they ultimately indict you?

Mr. BRADSHAW. Not right then.

Mr. KENNEDY. When did they indict you?

Mr. BRADSHAW. Jesus, I haven't got the date.

Mr. KENNEDY. But it was some time subsequently that you were indicted, is that right?

Mr. BRADSHAW. That is right.

Mr. KENNEDY. Somebody had seen your car up there the night before, when you came to look the place over?

Mr. BRADSHAW. Yes; one of the boys I went to GI school with seen the car and he said he seen me. We were riding around the place the first night. But he told the State police and the city officials after they started the investigation that he seen me that night. He seen me 24 hours before.

Mr. KENNEDY. Because you didn't have your car then?

Mr. BRADSHAW. I didn't have my car the actual night of the dynamiting.

Mr. KENNEDY. The record indicates you were arraigned on October 14, 1954?

Mr. BRADSHAW. That is right.

Mr. KENNEDY. You were tried in January of 1955?

Mr. BRADSHAW. Yes; January 30 or 31.

Mr. KENNEDY. The 28th?

Mr. BRADSHAW. The 28th.

Mr. KENNEDY. Where did you get your lawyer from? Who provided the lawyer?

Mr. BRADSHAW. The building trades.

Mr. KENNEDY. The building trades? What was your lawyer's name?

Mr. BRADSHAW. Ray Bialkowski.

Mr. KENNEDY. Did he know the full story, Bialkowski?

Mr. BRADSHAW. Yes, he did; right down the line.

Mr. KENNEDY. He knew everybody that had been involved?

Mr. BRADSHAW. Yes.

Mr. KENNEDY. He knew that it had been ordered by the union officials and you five carried out the instructions?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. Did he say everything would be all right with you?

Mr. BRADSHAW. Yes, sir. He asks me, he says "Paul, did you do the dynamiting?" I said, "No." He said, "We know that. Right?" And I said, "Right."

He asked me, "Did you get the plunger," and I said "No." He says "Did you get the wire?" And I said, "No."

He said "Were you around there with your car that night?" And I said, "No."

"Well," he says, "They can't convict you. You are innocent of the whole mess. Go to trial for them and we will beat it."

Mr. KENNEDY. The only evidence the district attorney had against you was the man who said he had seen your car, is that right?

Mr. BRADSHAW. Yes, sir; I imagine so, to amount to anything.

Mr. KENNEDY. And you had confessed to it yourself?

Mr. BRADSHAW. At the trial?

Mr. KENNEDY. At that time.

Mr. BRADSHAW. I denied it at the time.

Mr. KENNEDY. You denied having anything to do with it?

Mr. BRADSHAW. That is right.

Mr. KENNEDY. Nevertheless, you were convicted, were you not?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. Was there any explanation or did the district attorney say, what your motive was for going all by yourself and blowing up a house?

Mr. BRADSHAW. When he made his charge to the jury, he says I had a nice, new Mercury Sun Valley, and I must have got—I mean, that is why I got it, that I must do jobs for them.

Mr. KENNEDY. Who were you doing jobs for?

Mr. BRADSHAW. For the building trades.

Mr. KENNEDY. For the building trades?

Mr. BRADSHAW. Yes. But I don't think he came out and said the building trades at the time. He just said I done the dynamiting. When he made his charge to the jury, he said I put it beneath the bond, I lit the thing, I blew it up, I done everything.

Mr. KENNEDY. When you were convicted, did you receive any assurances from the union officials that you would be taken care of, or that your family would be taken care of?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. What did they say to you?

Mr. BRADSHAW. They told me to keep quiet.

Mr. KENNEDY. Who told you that?

Mr. BRADSHAW. John Durkin, Joe Bartell, Philip Brady, Bob Malloy. They all told me to keep my mouth shut and everything would be all right, that they would take care of everything.

Mr. KENNEDY. Was there ever any efforts by the district attorney or anyone else to learn from you who else might be involved or whether there would be anybody else involved?

Mr. BRADSHAW. Never.

Mr. KENNEDY. Then you related this morning about the fact that you started running out of money and that you couldn't get a job, is that correct?

Mr. BRADSHAW. That is correct.

Mr. KENNEDY. And even after you were convicted, there wasn't even an effort to get you a job, let alone give you any money?

Mr. BRADSHAW. No, sir.

Mr. KENNEDY. At Christmas time did they give you \$200?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. You received \$200 at Christmas time?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. That came through your attorney?

Mr. BRADSHAW. That is right.

Mr. KENNEDY. But you were never permitted to get any other job as far as the teamsters were concerned?

Mr. BRADSHAW. That is right, sir.

Mr. KENNEDY. They did not want to be associated with you?

Mr. BRADSHAW. That is correct.

Mr. KENNEDY. Was it then that you started running out of money and you were trying to get the \$40 for the glasses for your daughter?

Mr. BRADSHAW. I would say it was 9 months to a year after—

Mr. KENNEDY. And you still had—

Mr. BRADSHAW. That they didn't take care of me. They wouldn't give me a job. I would keep going to them, asking them for work, and they would keep putting me off.

Mr. KENNEDY. And then who was it that suggested about the tapes? What happened prior to that, that you decided to put the tapes in and record the conversation?

Mr. BRADSHAW. Billy Munley was telling myself and Miss Helen Canfield all about the double-cross, how they had me set up as the pigeon, how I was looking for money and they weren't going to give me nothing, and them guys couldn't understand and would say I am crazy. She said, "You know, Paul, it would be a good idea to tape these guys." I said, "Tape them? What are you, nuts?" And she said "No, seriously, it would be a good idea to tape them, and if they don't take care of you, take care of your family, turn them into the district attorney."

After I talked to John Durkin, and he was the one I really had faith in, I never had any faith in anybody else in the organization but him, when he turned me down, I said, "All right, do you know the fellow who has the tape recorder?" And she said, "Yes," and we got it all set up.

Mr. KENNEDY. Going back to the trial in this connection, since your car wasn't there at the time of the dynamiting, could you have shown through witnesses where your car was?

Mr. BRADSHAW. Yes; I could.

Mr. KENNEDY. Did your lawyer try to call those witnesses?

Mr. BRADSHAW. No; he didn't.

Mr. KENNEDY. He did not try to call the witnesses at all?

Mr. BRADSHAW. No; he didn't.

Mr. KENNEDY. Even though he know that the witnesses were available to show that your car hadn't been there?

Mr. BRADSHAW. No; he didn't.

Mr. KENNEDY. And that was the one piece of evidence used against you?

Mr. BRADSHAW. That is right.

Mr. KENNEDY. So you decided to tape record the conversations that you had with the other people involved in the dynamiting with you?

Mr. BRADSHAW. That is right.

Mr. KENNEDY. And after the tapes were made, what steps did you take then? What did you do then?

Mr. BRADSHAW. I had the tapes, and I hid the tapes. As I told you this morning, things was really bad, and I went to Durkin, just about the last time, and I told him how bad I was, and how I needed the money for my little girl's glasses. He said, "Paul, don't bother me. We don't want anything to do with you, and that is it."

I told him I was going to the district attorney and things like that, and he said "Go ahead, we have him taken care of." He said, "I would like to tell you as a friend, Paul, you know you are going to get yourself in deeper and deeper," which he wasn't lying about, believe me, I did. So after I got the tapes—I had the tapes then. I took Phil Brady, then, and I figured what is the use of hurting Phil Brady and Tony Bonacuse and Joe Bartell for what the teamsters union did to me. So I took Phil Brady over to the apartment where they were, and I showed him the setup and things like that, as I told you today, so Phil Brady said he would make sure something was taken care of. That was the last I seen of Phil until he come down to the end of South Main Avenue and told me "Why should we take care of you if your own outfit won't take care of you?"

So I figured it about time I take care of Paul.

Mr. KENNEDY. So what did you do?

Mr. BRADSHAW. I turned them over to Harold Brislin of the Scranton Tribune.

Mr. KENNEDY. Did he ultimately take them to the district attorney?

Mr. BRADSHAW. No. We made copies at his home. We made a couple of copies of the original tape.

Mr. KENNEDY. On the tapes it was indicated not only who your fellow conspirators were, but, in fact, that this had been ordered by certain higher union officials; is that right?

Mr. BRADSHAW. That is right.

Mr. KENNEDY. That was clear on the tapes?

Mr. BRADSHAW. That is right.

Mr. KENNEDY. So you took them to Mr. Brislin, and then did he arrange with you to take them to the district attorney?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. And that was done?

Mr. BRADSHAW. Yes, sir.

Mr. KENNEDY. What happened then?

Mr. BRADSHAW. Well, when I told the story to Harold, I told him that I didn't have any part of the actual dynamiting, and I wasn't around there.

Mr. KENNEDY. When, in fact, you were?

Mr. BRADSHAW. Yes. I figured if these guys are trying to come out of this thing as clear as they are, and pushing everything on me, I am going to try to come out of it just as clean myself. So I told Harold that I wasn't around there, you see, at all. So Harold turned the tape recordings in. Then the boys were picked up. In about 18 hours they talked, and they says that I was the mastermind, I was there, and that, and everything else.

Mr. KENNEDY. Did you sign an affidavit with the district attorney saying you hadn't been there?

Mr. BRADSHAW. No; not with the district attorney. With an alderman, Alderman Middleman, I think it was.

Mr. KENNEDY. So then the other four dynamiters, they talked and they involved you, also; is that right?

Mr. BRADSHAW. That is right.

Mr. KENNEDY. So what happened then?

Mr. BRADSHAW. Well, the district attorney—Miss Helen Canfield and I was in the district attorney's office, and we went in there about 10 o'clock in the morning, and the district attorney come in and says, "Paul," he says, "You know," he says, "the boys signed confessions and," he says, "they says that you were around there with them." So I figured they said it, and I said "Sure I was," just like that. So before I had a chance to say anything else, he run right out of the room. So I didn't see him no more until maybe 2 o'clock in the afternoon, or so.

And they come back in and they took us up to the city hall and before I knew it I was in front of Magistrate Murphy.

Mr. KENNEDY. And you were then arraigned, yourself, for perjury?

Mr. BRADSHAW. I was arraigned myself for obstruction of justice and perjury.

Mr. KENNEDY. And Miss Helen Canfield, she was arraigned for obstruction of justice, too?

Mr. BRADSHAW. That is right.

Mr. KENNEDY. How would you obstruct the justice?

I can understand the perjury. How would you obstruct the justice?

Mr. BRADSHAW. I don't know, to be honest with you.

Mr. KENNEDY. Had she been involved at all, other than taking the tapes?

Mr. BRADSHAW. She was with me. She talked to them.

Mr. KENNEDY. But I mean, had she committed any act herself other than taking the tapes and turning them over?

Mr. BRADSHAW. No.

Mr. KENNEDY. But she was arraigned for obstruction of justice?

Mr. BRADSHAW. That is right.

Mr. KENNEDY. Then what did you do after that? Then did you go to Mr. Brislin and tell him?

Mr. BRADSHAW. I got arraigned. I called for bail. I was released. I went right up to the Tribune office, and I got in touch with Harold, and I says, "Well, Harold, I didn't tell you the truth, but here is the whole story right down the line." I said, "You deserve to know." I said, "You shoved your neck out for me, so here is the story," and I gave it to him.

Mr. KENNEDY. Did the district attorney at this time put out an announcement that the higher union officials were not involved in this?

Mr. BRADSHAW. Yes. He said, "Bradshaw was the mastermind. The higher union officials were not involved."

Mr. KENNEDY. He put that announcement out publicly?

Mr. BRADSHAW. That is right.

Mr. KENNEDY. And that was after you turned over the tapes to him that indicated that they had been?

Mr. BRADSHAW. That is correct.

Mr. KENNEDY. Go ahead.

So you went down and you described the whole thing to Mr. Brislin?

Mr. BRADSHAW. That is correct.

Mr. KENNEDY. And you and Mr. Brislin worked on it for a period of approximately a month or so?

Mr. BRADSHAW. That is correct.

Mr. KENNEDY. And then Mr. Brislin got in touch with the district attorney and brought in this additional proof or evidence?

Mr. BRADSHAW. That is right.

Mr. KENNEDY. And these people were ultimately brought to trial?

Mr. BRADSHAW. No. Harold Brislin kept after the district attorney to have something done about it, so the district attorney put it in the laps of that county court to do what they could do with it. So in a little while after that there was a grand-jury investigation started, and after that the indictments come out on just about everything.

The CHAIRMAN. Are there any questions?

I just want to inquire whether any of these men are still officers in the union. Robert Hubshman?

Mr. BRADSHAW. That is correct, sir.

The CHAIRMAN. Is he still in the union?

Mr. BRADSHAW. I don't know, sir.

The CHAIRMAN. I do not believe he was ever an officer.

Mr. BRADSHAW. No, sir.

The CHAIRMAN. Joseph McHugh, is he still in the union?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. Still an officer?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. Has he been convicted of any offense?

Mr. BRADSHAW. No, sir.

The CHAIRMAN. Robert Malloy? Is he still in the union?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. Still an officer in the union?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. Has he been convicted of any offense?

Mr. BRADSHAW. No, sir.

The CHAIRMAN. John Durkin, is he still in the union?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. Is he an officer?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. Has he been convicted of any offense?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. What offense has he been convicted of?

Mr. BRADSHAW. Conspiracy in the dynamiting case.

The CHAIRMAN. He has been convicted of conspiracy in this dynamiting case that you have been testifying about?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. He is still an officer in the union?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. What position does he hold?

Mr. BRADSHAW. Financial secretary and business agent of 229 and vice president of the Federation of Labor of Pennsylvania.

The CHAIRMAN. And vice president of the Federation of Labor of Pennsylvania?

Mr. BRADSHAW. That is correct, sir.

The CHAIRMAN. Is 229 a teamsters local?

Mr. BRADSHAW. That is right.

The CHAIRMAN. He is vice president, then, of the teamsters union, the State vice president, is that correct?

Mr. BRADSHAW. I imagine so, sir. I am not sure.

The CHAIRMAN. Joseph Bartell, is he still in the union?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. Is he an officer of it?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. Has he been convicted of anything?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. Of what?

Mr. BRADSHAW. Conspiracy in the dynamiting case.

The CHAIRMAN. What official position does he now hold?

Mr. BRADSHAW. He is the president of the building trades, as far as I know, and he is the business agent for the carpenters union in Scranton.

The CHAIRMAN. How long since these two men were convicted?

Mr. BRADSHAW. It must be close to a year.

The CHAIRMAN. Has any action been taken so far as you know to remove them from their official position with the union?

Mr. BRADSHAW. No, sir.

The CHAIRMAN. Notwithstanding they are convicted criminals, they still occupy the high position of officials in the union?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. Let us see another one here. How about Anthony Bonacuse? How about him? Is he still in the union?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. Is he an officer?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. What position does he hold?

Mr. BRADSHAW. He is the business agent of the laborers union.

The CHAIRMAN. Of the laborers union?

Mr. BRADSHAW. Yes, sir; and a trustee of the building trades.

The CHAIRMAN. And a trustee of the building what?

Mr. BRADSHAW. Of the building trades. He was at the time that I was there. Whether he——

The CHAIRMAN. Has he ever been convicted of anything?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. What was he convicted of?

Mr. BRADSHAW. Conspiracy in the dynamiting case.

The CHAIRMAN. Conspiracy in the same dynamiting case you have been talking about?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. That conviction was had when, about a year ago?

Mr. BRADSHAW. It must be close to a year ago, sir.

The CHAIRMAN. The union he is in, is that an AFL-CIO union?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. And no action has been taken, you say, to remove him from his official position in the union?

Mr. BRADSHAW. No, sir; there wasn't.

The CHAIRMAN. Are there any others that you know of, officials of the union, that have been convicted of any crime?

Mr. BRADSHAW. No, sir.

The CHAIRMAN. Those three, then, that you have mentioned, have been convicted along with you?

Mr. BRADSHAW. That is right.

The CHAIRMAN. And that is for this dynamiting incident?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. You have not served any time?

Mr. BRADSHAW. No, sir.

The CHAIRMAN. Have you ever been convicted of anything else?

Mr. BRADSHAW. No, sir.

The CHAIRMAN. Are you under charges for any other offense?

Mr. BRADSHAW. Well, when I was 16 years old, sir, I rode in a stolen car.

The CHAIRMAN. When you were 16 years old?

I am talking about in connection with anything of recent years.

Mr. BRADSHAW. No, sir.

The CHAIRMAN. How old are you now?

Mr. BRADSHAW. Thirty-six.

The CHAIRMAN. And that was some 20 years ago?

Mr. BRADSHAW. That is right, sir.

The CHAIRMAN. Mr. Counsel, do we have other witnesses here who can testify regarding these officials who we have just referred to here, who are still holding positions in the union, official positions, who have

been convicted of crime? Do we have any other evidence? Have we checked this?

I am not relying at the moment on his statement.

Do you have corroborative evidence or records to verify it?

Mr. KENNEDY. Yes, sir. The statement that Mr. Bradshaw has made regarding these people is correct.

The CHAIRMAN. That is verified by the court records, that they have been convicted of these offenses?

Mr. KENNEDY. That is correct.

The CHAIRMAN. And on the question of whether they still occupy an official position in their union, have we verified that? And, if so, how?

Mr. KENNEDY. We believe it is true, Mr. Chairman. We know it is true that they still have those positions.

The CHAIRMAN. The Chair is very much interested in that aspect of it.

Mr. KENNEDY. These cases are being appealed, by the way.

The CHAIRMAN. It does not matter about that. They have been convicted and tried before a jury; is that correct?

Mr. BRADSHAW. That is correct.

The CHAIRMAN. They have been convicted by a jury who heard the evidence?

Mr. BRADSHAW. Yes, sir.

The CHAIRMAN. There may be some technicality in there that would release them. I do not know. But I think this committee should be concerned, and I know the Chair is personally, with action that has been taken in the establishment of a code of ethics to govern union practices.

I am interested to know what is going to be done, what action is going to be taken, against people who are convicted criminals, holding official positions in labor unions. I do not know, but I want to find out whether any action has been taken against these, whether any action has been pending, or what is planned about it, with respect to whether they are going to remain in the union, still be bosses, after having been convicting for dynamiting, and conspiracy to dynamite, a construction job, whether they are still to remain in the union, and if that is the ethics that is now approved by the high officials in the union.

I do not believe it is, but I want to find out. I think it is time that this committee should know, and Congress should know, and the people of this country should know.

Senator Goldwater?

Senator GOLDWATER. Mr. Bradshaw, do you recall on or about Sunday, November 18, last year, 1956, a testimonial dinner being held in Scranton?

Mr. BRADSHAW. Yes, sir.

Senator GOLDWATER. And this dinner was held, I would say, on behalf of these four men who were convicted?

Mr. BRADSHAW. Yes, sir.

Senator GOLDWATER. They charged \$15 a ticket?

Mr. BRADSHAW. That is right.

Senator GOLDWATER. Twelve dollars of the \$15 was to go to the defense of these men?

Mr. BRADSHAW. As far as I know; yes, sir.

Senator GOLDWATER. They raised about \$30,000.

Let me ask you: Do you know the following names: William Kendrick?

Mr. BRADSHAW. No, sir.

Senator GOLDWATER. He is international vice president of the laborers union.

Do you know Mr. Hugh Gormley?

Mr. BRADSHAW. No, sir.

Senator GOLDWATER. He is regional representative of the American Federation of Labor in Indiana.

Do you know Patrick Waldron?

Mr. BRADSHAW. No, sir.

Senator GOLDWATER. He is international vice president of the laborers union.

James L. McDevitt?

Mr. BRADSHAW. I don't know him, sir. I heard of him, but I don't know him.

Senator GOLDWATER. He was at that time president of the Labor League for Education and former president of the Pennsylvania Federation of Labor.

To refresh your memory, Mr. McDevitt said "What happens among people with a conscience * * * when on one hand they recognize the desire of people to be helpful to other people and their community and on the other hand find them guilty of breaking laws of the State and Nation?"

Do you know of a Mr. Joseph Keenan?

Mr. BRADSHAW. No, sir, I don't.

Senator GOLDWATER. He is international vice president of the electrical workers union.

He said at this meeting "Let's go out of here with a prayer in our hearts that this thing is cleaned up."

I am trying to find somebody here that you might recognize.

Mr. Harry Tevis?

Mr. BRADSHAW. I don't know him, sir.

Senator GOLDWATER. He was international vice president of the teamsters union. He asked the members of the clergy present to pray for the victims and their families, he termed the four "victims of hallucinations of men in business and in politics. Men who must hate labor."

He went on to say "I am here to support Durkin and the other men. The teamsters are with them with whatever they need we have."

And this same Mr. Tevis went on to say "He further declared 'there have been rumors in the Scranton area that some action would be taken against officials of local 229 by the international. May I say to the rumor starters we do not believe these men are guilty, and there'll be no action and nothing will be done about it.'"

Evidently nothing has been done about it.

Evidently this meeting was filled with speeches, extolling the virtues of these four partners of yours who persisted in blowing up that particular house. Did you get that idea from the meeting?

Did you go to the meeting?

Mr. BRADSHAW. No, sir, not me.

Senator GOLDWATER. Were you not able to?

Mr. BRADSHAW. There was no place for me.

Senator GOLDWATER. I wanted to mention those few people, because here are men who are high in either the labor movement of Pennsylvania or in the labor movement of the Nation. I want to just back up what Senator McClellan said, that on this code of ethics that we have heard so much about, and which we are all very glad that the unions have started, if it means anything, would you not, as a union member, who takes great pride in the union movement, would you not believe that these men ought to explain their stand in defending convicted men?

Mr. BRADSHAW. Yes; I think they should.

Senator GOLDWATER. In other words, if the code of ethics can apply to Dave Beck, it could apply to James L. McDevitt; it could apply to William Kendrick; it could apply to Joseph Keenan; it could apply to Hugh Gormley; and it could apply to Harry Tevis? Would you not say so?

Mr. BRADSHAW. Yes, sir.

Senator GOLDWATER. That is a rather unusual thing, Mr. Chairman, to find a testimonial being given for four convicted people.

While their cases are on appeal, and they may subsequently be found not guilty, nevertheless the courts have found them to be guilty, and yet union leaders from across the eastern part of the United States, including one very high labor official, were extolling these people on November 18 last year.

I think it might be interesting, Mr. Chairman, to make this entire article from the Scranton newspaper, the Scrantonian, either a part of the record, or evidence for the record.

The CHAIRMAN. The Chair will make it exhibit 4 to the testimony, but not as part of the printed record. It will just be an exhibit for reference only.

(The document referred to was marked "Exhibit 4" for reference and will be found in the appendix on pp. 1988-1990.)

The CHAIRMAN. The counsel advised that he thinks possibly we could finish tomorrow, even if we adjourned at this hour. Some of us have some other matters to try to look at this afternoon.

The committee will stand in recess until 10 o'clock tomorrow. All the witnesses will return at that time, unless they testified today.

I think Mr. Bradshaw better remain over until tomorrow.

(Whereupon, at 4 p. m. the committee recessed, to reconvene at 10 a.m. Wednesday, April 17, 1957.)

(Members present at the taking of the recess: Senators McClellan and Goldwater.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

WEDNESDAY, APRIL 17, 1957

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE
LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee met at 10 a. m., pursuant to Senate Resolution 74, agreed to January 30, 1957, in the caucus room, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Irving M. Ives, Republican, New York; Senator John F. Kennedy, Democrat, Massachusetts; Senator Sam J. Ervin, Jr., Democrat, North Carolina; Senator Pat McNamara, Democrat, Michigan; Senator Karl E. Mundt, Republican, South Dakota; Senator Barry Goldwater, Republican, Arizona; also present: Robert F. Kennedy, chief counsel of the select committee; LaVern J. Duffy, investigator; Ruth Young Watt, chief clerk.

(Members present at the convening of the session: Senators McClellan, Ives, Kennedy, Ervin, and McNamara.)

The CHAIRMAN. The committee will be in order.

Yesterday certain testimony was given regarding Mayor James T. Hanlon of Scranton, Pa. The mayor promptly sent a wire to the committee denying the testimony that had been presented against him, and at that time he was advised by the chief counsel in a telephone conversation that the wire would not be admitted to the record but that he could comply with the rules of the committee by submitting an affidavit denying the charges, if he desired to do so.

The Chair is in receipt of an affidavit from Mayor Hanlon, and, without objection, the Chair will place this affidavit in the record at this time.

We are not going to permit telegrams to be placed in the record except under most extraordinary circumstances but where one's name is mentioned in a derogatory way, or the person mentioned feels they have been injured or the truth has not been told regarding them, we will afford them an opportunity to submit an affidavit or to appear in person, if they desire.

Without objection, the Chair will read the affidavit into the record at this point.

COUNTY OF LACKAWANNA,

Commonwealth of Pennsylvania.

I, James T. Hanlon, being duly sworn, according to law, do hereby depose and say that the statements made concerning me before the Senate committee by the

witness Paul Bradshaw, a man under indictment by the grand jury of Lackawanna County for perjury, are untrue and of no basis in fact.

I do further depose and say that I never at any time discussed the dynamiting with Bradshaw or asked him or anyone else to lay off until after election or otherwise.

JAMES T. HANLON.

Sworn to before a judge of the court of common pleas of Lackawanna County, Thomas L. Hoban.

All right, Mr. Counsel, call your next witness.

Mr. KENNEDY. Mrs. Margaret Kollra.

The CHAIRMAN. Will you be sworn, please?

You do solemnly swear that the evidence you shall give before this Senate Select Committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. KOLLRA. I do.

TESTIMONY OF MARGARET KOLLRA

The CHAIRMAN. State your name, and your place of residence, your business or occupation.

Mrs. KOLLRA. Margaret Kollra.

The CHAIRMAN. Where do you live?

Mrs. KOLLRA. 1338 Dartmouth Street.

The CHAIRMAN. In Scranton?

Mrs. KOLLRA. Scranton, Pa.

The CHAIRMAN. Are you employed?

Mrs. KOLLRA. No, sir, I am a housewife.

The CHAIRMAN. Thank you very much.

Have you talked to members of the staff of the committee regarding your testimony?

Mrs. KOLLRA. Yes, sir.

The CHAIRMAN. You have been advised you could have counsel if you desired, and have you waived counsel?

Mrs. KOLLRA. Yes, sir.

The CHAIRMAN. All right.

Proceed.

Mr. KENNEDY. Mrs. Kollra, you are a sister of Mr. Paul Bradshaw, is that correct?

Mrs. KOLLRA. That is correct.

Mr. KENNEDY. And you were familiar with the events after the dynamiting of the home, is that right?

Mrs. KOLLRA. That is correct.

Mr. KENNEDY. Your husband is a member of the teamsters union?

Mrs. KOLLRA. That is right, sir.

Mr. KENNEDY. After Mr. Bradshaw went to the district attorney with the tapes, did he have some difficulties getting a job?

Mrs. KOLLRA. That is true.

Mr. KENNEDY. Could you tell the committee all of the facts surrounding just prior to that period and then about your visit to Mr. Durkin of the teamsters union? Could you tell the committee those facts as you described them to me?

Mrs. KOLLRA. Well, my husband was just put to work about 2 weeks before Paul presented the recordings.

Mr. KENNEDY. That is Paul Bradshaw?

Mrs. KOLLRA. Yes, sir, and after he had turned the recordings in, he only remained at work a week, or maybe a week and a half.

Mr. KENNEDY. What conversations did you have with anyone prior to that period, and just relate the facts in your own words, as you related them to me.

Mrs. KOLLRA. Well, before my husband got the job I went to see Mr. Malloy.

Mr. KENNEDY. That is Mr. Robert Malloy?

Mrs. KOLLRA. That is correct, sir.

Mr. KENNEDY. What position did he have at the time? He was the business agent?

Mrs. KOLLRA. He was the business agent.

Mr. KENNEDY. Of the teamsters?

Mrs. KOLLRA. That is right.

Mr. KENNEDY. Go ahead.

Mrs. KOLLRA. I went to see Mr. Malloy to see if he could put my husband to work, and at that time he said that he would have a job opening out of town, if he would accept it. So he was supposed to call and let him know if he would take it, and so he called back and he said he would take the job out of town.

Mr. KENNEDY. Your husband did?

Mrs. KOLLRA. Yes, sir. And so, then, meanwhile, Mr. Malloy found out that he couldn't take the job out of town, and he had a little trouble in something out of town, and he wouldn't be able to take that job. And he said to wait a few days and he would have a job for him.

So a week later, he called up and he had a job, and he said "I will have a job for you, and made a job for you, up at the pipeline."

So he started to work, and he was working there about 1 week.

Mr. KENNEDY. What do you mean that he made a job for him? What does that mean, you mean just arranged a job?

Mrs. KOLLRA. Yes. He arranged for a job for him. He was with an X-ray machine company, and he was supposed to drive a little pick-up truck. So he worked there alone, and then there were other men on the other part of the job, but he didn't have any contact with those men, and then a few weeks later after those recordings came out and Hubshman came back on the job, he was a steward at the time, and he shook hands with my husband and told him "No hard feelings with you, Al."

Mr. KENNEDY. Now, the tape recordings had implicated Mr. Hubshman?

Mrs. KOLLRA. That is correct. So, then, about a week after—it could have been a week and a half—my husband received a phone call on a Friday night and they told him not to report for work on Saturday morning. And he wanted to know why he wouldn't report to work, because he had just started and was he going to be laid off because of seniority rights or what. So Hubshman told him that some man's truck broke, and that it might be repaired in a few days, and he may get back on Monday, and he would let him know definitely on Sunday night. Sunday night came, and he didn't get called back to work, and so 2 or 3 weeks went by, and the month of June went by and part of July. So then this one day my husband went in to see Mr. Malloy to ask why he wasn't working, but Bob at that time was on vacation. In the afternoon we happened to be downtown, and we are passing in the car and I happened to see Mr. Durkin standing on the

corner, and so I said to my husband, "Well, I see Mr. Durkin there and I am going over and talk with him."

So, by the time we stopped the car and found a parking space, Mr. Durkin had left the corner and was going into the union hall. When he went in the union hall, I asked to speak with Mr. Durkin, and when I got in there Mr. Durkin talked to me. I asked him if he could tell me why he was laid off, and was it because of any hard feelings, and he said, no, and he said, "In fact, I didn't even know he was laid off." So when Bob Malloy would come back from his vacation, he said he would let us know what would happen, and he would talk with him and see.

So we were talking about different things, and I told Mr. Durkin how hard it was and I said, "My mother has been in bed sick since this happened," and she lived with me and I had two small children and it was very difficult for me to go out and get work, and I said if it would be O. K. with him to please put him to work, if they weren't holding anything, and he said, no, they weren't, he would see what he could do on Monday.

So, meanwhile, when we engaged in this conversation, we started to talk about Paul. This was off the record.

Mr. KENNEDY. He started to talk about Paul, your brother?

Mrs. KOLLRA. Yes, and they mentioned——

Mr. KENNEDY. He said that the conversation was off the record?

Mrs. KOLLRA. Yes, and Paul, he said, shouldn't have talked and he should have waited because three unions were getting together a sum of \$10,000.

Mr. KENNEDY. Three unions were getting a sum of \$10,000 to give to Paul?

Mrs. KOLLRA. To give to Paul. And then he mentioned that they shouldn't have used dynamite because they weren't told to do so, they were only supposed to saw the beams.

Mr. KENNEDY. He said the people that used the dynamite and did dynamite the home were not supposed to have used dynamite, and just to saw the beams?

Mrs. KOLLRA. Just to saw the beams; yes. Then he mentioned how stupid those four were that had signed the affidavits admitting their guilt, because, he said, "Now I can't do anything for them, and they have signed admitting their guilt, so the four are going for a ride with Paul."

And then he mentioned about Paul, and he would like to get him a job out of town so he could be like a newborn babe, but he wouldn't like to bring that out to Paul; that is, to tell him why and his reason for it.

Mr. KENNEDY. That is why he suggested he should take the job outside of the city rather than inside the city?

Mrs. KOLLRA. That's right.

Mr. KENNEDY. Is that the end of the conversation? He said that Paul was a hothead?

Mrs. KOLLRA. That's correct.

Mr. KENNEDY. And it was difficult to work with him?

Mrs. KOLLRA. Yes, sir.

Mr. KENNEDY. Or difficult to talk about these matters?

Mrs. KOLLRA. Yes.

Mr. KENNEDY. That was the end of the conversation?

Mrs. KOLLRA. That's about all.

Mr. KENNEDY. And you left the office at that time?

Mrs. KOLLRA. I left his office.

Mr. KENNEDY. Now, your husband, after that, was he able to get any employment through the teamsters?

Mrs. KOLLRA. After that it was worse. He got 1 day about a week later down in a vulcan, and then they told him at night they would call him back and let him know if there would be work and when they would need him. And so they wouldn't call him back until the following Wednesday, like on a Tuesday Night, to come in for the following Wednesday and he would pick up his 1 day's pay.

That went on for a few months, a day now and again. Then, later on, when they started this Brewster job last January or February down at the Taylor Hill, my husband contacted Mr. Malloy at that time, too, and he wanted to know why he wasn't working. He told him to go down and see the steward, Mr. Sullivan, and he said, "If he will give you a job down there, let him put you to work."

And so when my husband went down and saw Mr. Sullivan, he told him—he said, "Well, you should know better than to come down here to see me, because I can't give you any work. Don't you know when you're finished?"

Mr. KENNEDY. So he hasn't been able to get a job.

Mrs. KOLLRA. That's true.

(At this point Senator Goldwater entered the hearing room.)

Mrs. KOLLRA. Mr. Sullivan told my husband not to repeat the conversations that they had, where he told him that he was through, because, he said, he would deny it if he should be brought in to be asked about, because, he said, at one time he had a hard time with the officials and he was afraid.

Mr. KENNEDY. So your husband hasn't been able to get a job since that time in 1955.

Mrs. KOLLRA. That's correct.

Mr. KENNEDY. Is he still unemployed?

Mrs. KOLLRA. Yes, sir.

Mr. KENNEDY. And through the efforts of the teamsters union, he has been prevented from getting a job?

Mrs. KOLLRA. That's right.

The CHAIRMAN. Are there any questions?

Senator GOLDWATER. I have just one question, Mrs. Kollra. You said that the unions told you that they were raising \$10,000 to give to Paul.

Mrs. KOLLRA. Yes, sir.

Senator GOLDWATER. Do you have any idea how they were raising that money?

Mrs. KOLLRA. No, sir.

Senator GOLDWATER. Would it have come from the union treasury?

Mrs. KOLLRA. He didn't mention that and he just brought it out that three unions were getting together a sum of \$10,000, and he didn't mention any names or how they would get it.

Senator GOLDWATER. Did he ever get the \$10,000?

Mrs. KOLLRA. No, sir.

Senator GOLDWATER. That is all.

Senator McNAMARA. Mr. Chairman, are we going to have Mr. Kollra before us?

Mr. KENNEDY. We are not planning to, Senator.

Senator McNAMARA. The questions I have in mind were largely ones directed to him and I do not expect his wife to know about the conditions on the job to the degree he does.

Is there any reason for not having him? He is directly involved and this lady is indirectly involved.

Mr. KENNEDY. She is the one who had the conversation with John Durkin and it was not he that had the conversation. The only thing that happened to him is that he hasn't been able to get a job, and that is all he could testify to and she knows that being indirectly involved.

On the matter that is before the committee she has more information than he has. That is the reason she is called.

Senator McNAMARA. You mentioned the fact that your husband was sent by the business agent to the steward on a job to seek employment and the steward told him that he did not have any job or some such thing.

Is it customary for stewards in that area in your estimation, to do the hiring? Ordinarily the hiring is done by employers and not by the union officials.

Mrs. KOLLRA. Well, the steward would hire him if he got permission from the business agent. In other words, when my husband was told to go down and see Sullivan, and if Sullivan had a job for him he would be put on to work, Sullivan explained to him that he should have known better, because if Mr. Malloy told him to put him to work, he would put him to work.

Senator McNAMARA. Well, ordinarily the employer and not the union hires people for the job and it is a most unusual procedure for the steward to hire people to go to work for the employer. The employer ordinarily on the job has somebody to do the employing and there is an employment agency or employment office rather than the steward.

Mrs. KOLLRA. I don't think that has been true that way. It is usually the steward tells him or puts him to work.

Senator McNAMARA. The stewards in my experience have never had authority to hire for the employer. If the employer makes a request to the business agent, he might pass it on to the steward, and it might happen in such a manner, but it is an unusual procedure for the steward to do the hiring.

Mrs. KOLLRA. That is true, but that happened in this case.

Senator McNAMARA. The other questions I have, Mr. Chairman, would be more properly directed to the lady's husband rather than her.

The CHAIRMAN. Thank you. Are there any further questions?

Senator ERVIN. I was intrigued by the witness' testimony that she was unemployed because she was a housewife. That sort of conflicts with my notions as expressed in a little doggerel verse that, "A man works from sun to sun, but a woman's work is never done," and that is particularly true about housewives.

I think that they work probably 12 to 15 hours a day, and so I just want to make that observation.

Mrs. KOLLRA. I will tell you, sir, the past 2½ years mine has been going night and day because I have a sick mother that has laid in

bed for two winters and I couldn't go to work. I mean I had to really humble myself when I went to see them about the job.

When Mr. Sullivan told my husband that he couldn't put him to work he was paying his dues every month and we do without something else to pay the dues thinking that he would still keep his membership up in case a job should come in and he could get it and I wouldn't give up.

But then, in the meantime, when he was told that, I felt so bad about it I had our pastor, our priest to contact the union headquarters and ask them there if he was really through. And if he was done, why pay the dues? And he couldn't get in touch with them.

The pastor would leave his phone number and he got one man and he was supposed to get the other one, and they wouldn't even talk to him.

MR. KENNEDY. How have you supported yourself in the last couple of years?

MRS. KOLLRA. Well, we have been getting unemployment the first 6 months and after that we lived on all of the bonds and things that we have ever saved and then the next 6 months, we started to collect again and he tried to get an odd day now and then and we have been getting help through—and I don't like to mention it, but we have been helped in different ways.

MR. KENNEDY. How did your mother happen to get sick?

MRS. KOLLRA. Well, the first she got sick, it was more or less shock when this case first started. She got sick the first winter and she was in bed the full winter and then all of that spring she wasn't well and then in the following winter she got down in bed again and she had pleurisy and pneumonia. She is 80 years old and it was hard for her to just keep up with all of this going on. I guess there was worry between Paul's difficulty and ours and she lives in one house with me.

MR. KENNEDY. During this period of time your husband was not directly involved in this at all was he?

MRS. KOLLRA. No, sir.

MR. KENNEDY. He did not have any part in the dynamiting or anything?

MRS. KOLLRA. No, sir.

MR. KENNEDY. He was just your husband, and you were related to Paul Bradshaw?

MRS. KOLLRA. That's correct, and whenever I would speak to Mr. Malloy, he would always tell me, "Well, gee, he is well liked, he is one of our best men, and we think a lot of him, and we will put him to work, and he will be the first one on."

And Sullivan himself told him man to man, "I can't do anything for you. Admit you're done."

SENATOR KENNEDY. The only reason he was out of work for 2 years was because he was married to you, and you were the sister of Paul Bradshaw?

MRS. KOLLRA. That's correct.

SENATOR KENNEDY. He had nothing else to do with it except that relationship?

MRS. KOLLRA. That's correct.

THE CHAIRMAN. All right. Thank you very much. You may stand aside.

Mr. KENNEDY. Miss Canfield.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Miss CANFIELD. I do.

TESTIMONY OF MISS HELEN CANFIELD

The CHAIRMAN. Miss Canfield, will you state your name, your place of residence, and your business or occupation, please?

Miss CANFIELD. My name is Helen Canfield, and I live at 314 Tenot Avenue, Scranton, and I am a member of the teamsters union, and I am working with the A. & P. warehouse on Janet Street in Scranton.

The CHAIRMAN. You are a member of the teamsters union?

Miss CANFIELD. Yes, sir; I am.

The CHAIRMAN. How long have you been a member of the teamsters union?

Miss CANFIELD. 1954, sir.

The CHAIRMAN. You have not testified before this committee, but you did testify before the Senate permanent Subcommittee on Investigations some time ago; did you not?

Miss CANFIELD. Yes, sir; I did.

The CHAIRMAN. In executive session?

Miss CANFIELD. Yes, sir.

The CHAIRMAN. All right, Mr. Counsel.

Mr. KENNEDY. Would you tell the committee first the arrangement made to get you into the union of the Teamsters?

Miss CANFIELD. There was another girl, Miss Veronica Joyce, who had maybe 2 years seniority over me, but she hasn't as yet joined the union. And so at that time she wanted to become a member of the union, and if she had become a member she would have held seniority over me, because I had just started, and so Mr. Malloy—

Mr. KENNEDY. Mr. Bob Malloy?

Miss CANFIELD. Yes, sir; he assured me that he would make certain that she was not taken into the union and that I would be taken in, and then my seniority would be over her. And that is still the way it is.

Mr. KENNEDY. You were taken in because of your friendship with some of these officials in the teamsters' union?

Miss CANFIELD. That's correct.

Mr. KENNEDY. Over some of the other people who had applied earlier?

Miss CANFIELD. That's right, sir.

Mr. KENNEDY. Now, you know Mr. Paul Bradshaw?

Miss CANFIELD. I do, sir.

Mr. KENNEDY. You have known him for how many years?

Miss CANFIELD. I have known him since the summer of 1950, sir.

Mr. KENNEDY. Through Mr. Bradshaw, did you know Mr. Hubsham and various of the others?

Miss CANFIELD. Yes, sir, I knew all of them, and they were nice boys.

Mr. KENNEDY. During this period of time after Mr. Bob Malloy became business agent, did they discuss with you some of the matters that Mr. Bradshaw and others testified to yesterday.

MISS CANFIELD. Yes, sir.

MR. KENNEDY. Such as the rigged elections?

MISS CANFIELD. Well, on the elections, I was asked to vote twice myself and so I really didn't need anyone to tell me much about the elections.

MR. KENNEDY. That was the 1954 elections?

MISS CANFIELD. I believe it was 1954, sir.

MR. KENNEDY. Who asked you to vote twice?

MISS CANFIELD. Mr. Malloy.

MR. KENNEDY. At the time that you came into the polling booth?

MISS CANFIELD. When I was coming in before. It had been arranged that I would vote twice. However, there aren't too many members that are women in local 229 and most of the men I knew anyway and so when I came down there it was, "Hello, Helen," and "How are you Helen?" and then Mr. Piepoli who was running against Mr. Malloy, said, "Hello, Helen, how have you been?" and I couldn't very well come in there twice and get the same treatment without causing some disturbance.

MR. KENNEDY. So you only voted once?

MISS CANFIELD. Only once, sir, and then I didn't vote actually. Joe Malloy voted for me.

MR. KENNEDY. He voted for you?

MISS CANFIELD. Yes, sir.

MR. KENNEDY. How did that happen?

MISS CANFIELD. Well, he met me in the hall and he put his arm around my shoulder and he said, "Hiya, kid, kid, how are you doing?" and he walked me in and checked my book, to see if I was in good standing, which is standard procedure and he walked into the booth with me and pulled this thing for me and he said, "Well, you did a good job," and he did, sir.

MR. KENNEDY. Were you familiar with any of the other incidents?

MISS CANFIELD. Yes, sir.

MR. KENNEDY. Could you relate some of those?

MISS CANFIELD. In connection with voting, you are booked to be in good standing and well, if some of the men were laid off they would be behind in their union dues and they would pay them up to date in order to vote. It was also a practice to pay up the membership of the ones who were voting for Mr. Malloy.

They paid up their book and they could vote for him.

THE CHAIRMAN. What fund did that money come out of?

MISS CANFIELD. I wouldn't know. I don't know where he got it from but Mr. Malloy paid them up. I know of one particular instance.

THE CHAIRMAN. If they were going to vote for Mr. Malloy?

MISS CANFIELD. He would see that their book was paid up.

THE CHAIRMAN. If they were behind in their dues, he would pay up their dues for them?

MISS CANFIELD. That's right, sir.

THE CHAIRMAN. And where did that money come from?

MISS CANFIELD. You would have to ask Mr. Malloy that question, sir.

THE CHAIRMAN. You do not know?

MISS CANFIELD. I wouldn't know, sir.

Mr. KENNEDY. Did you discuss any of these matters that were discussed in testimony yesterday regarding the throwing of the stink bomb? Did you discuss that with any of them?

Miss CANFIELD. I thought that was very amusing to me, because well, I have smelled rotten eggs, sir, and that is what a stink bomb smells like. Mr. Hubshman and Mr. Brady had discussed this with me and I can't call them "Mister" I am so used to calling them Bob and Billy and so on.

Bob, he said to me, "Wait until they try soap and water to clean that up," because he said, "Only ammonia will take it out and they will never think of ammonia. They will use soap and water and it will make it that much worse and it will go into the cellar and it will ruin all of the flour that is stored there."

And he said, "Wait until they turn on the oven" he said, "Then they will be running outside and I would love to see it."

When he was telling me all of that I wanted to go up and take a look and I thought it would be fun really. And then he told me about the episode of his kicking in the windshield, too. I acted a little scared and he told me about his getting arrested for kicking in the fellow's windshield. But he said, "I didn't have anything to worry about. Nealson was right there and he is a smart lawyer, boy, and he asked him what foot did you kick it in with, the right or the left one?"

And he said the fellow was so confused that he didn't know just what to say and at any rate he had nothing to worry about with Mr. Nealson standing by him.

Mr. KENNEDY. What about the wall? Did they tell you about the pushing over of the wall?

Miss CANFIELD. Yes, sir, they did. You mean the Denny home?

Mr. KENNEDY. When they pushed the wall over.

Miss CANFIELD. The night of the Denny home thing, I had gone to a movie in Scranton, and I had run into Mr. Bradshaw earlier and I said, "If you're in the vicinity, will you give me a lift home afterwards?"

So after the movie, Mr. Bradshaw and Mr. Murphy, who was with him, picked me up in front of the movie theater and I wanted a cup of coffee and we went over to Yates Diner in Scranton because it has the best coffee around.

We were sitting in the place and it is rather fancy and I looked down and looked at Mr. Murphy's shoes which were covered with mud, and everybody else in the place was dressed fit to kill and here his feet were all mud. So I said, "Ye gods, George, what happened to your feet?"

And he started to laugh and he said, "You should have been there and it was like Hallow'een or the Fourth of July." And I said, "What?" So he said, "Oh, we were up to this place in the mountains where they were building a home back of Bartell's" and he said "Why, even McHugh was swinging a crowbar for a while and Brady and Robert Malloy."

I don't know which one now was throwing it and which was slashing it, but one was throwing the cement bags to the other one and the other was slashing them up. He said it was really a picnic and he got me so interested that when we dropped him over at his house I said to Paul, "Were the police around there? Weren't you afraid of the police?" And he said, "Oh, no, they know it is union job and

they wouldn't come." And I said "Now you're joking." And he said, "No, I'm not joking and to prove it I will show you."

So he took me up there and there weren't any police around and there wasn't really much left of the wall either.

Mr. KENNEDY. Did they also tell you about the trucks, what they did to the trucks, letting the air out of the tires?

Miss CANFIELD. If you are referring to the Taton incident—

Mr. KENNEDY. Just generally, did they tell you about that?

Miss CANFIELD. Yes; they did.

Mr. KENNEDY. And about letting the air out of the tires?

Miss CANFIELD. Letting the air out of all of the tires.

Mr. KENNEDY. And undoing the coupling?

Miss CANFIELD. Yes, sir; they did.

Mr. KENNEDY. They told you at various times when they were doing it, that they were doing it against truckers who would not join the union, is that right?

Miss CANFIELD. That's correct, sir.

Mr. KENNEDY. Then, also, was there a discussion about putting the sugar in the gasoline tanks?

Miss CANFIELD. Yes, sir.

Mr. KENNEDY. Would you tell the committee about that?

Miss CANFIELD. Well, on this particular incident, Bobby Hubshman and Paul had been to the house and they were discussing it. They used my front room because I found it so interesting, and I thought it was a necessary evil to organization, you know, in order to organize whatever outfit they were trying to organize.

So they were talking about using sugar and they went out and when they returned they had sugar which they hadn't used and I assumed they had used some and that they were opened.

At any rate, Mr. Hubshman, Bobby, as I call him, asked me if I could use the sugar that was left over and I said I certainly could and so he gave it to me. When I looked at the package, it was nothing that I could buy around Scranton. It was no label I had seen around Scanton and so I asked him where he bought it and he said, "Out in the country."

Mr. KENNEDY. Now, you also had something to do with the making of tape recordings, is that right?

Miss CANFIELD. Yes, sir; I did.

Mr. KENNEDY. Would you just relate the incidents that brought about your making a suggestion, as I understand, to Mr. Bradshaw to make a tape recording of some of the conversations?

Miss CANFIELD. When that came into view, Paul had come over to the house and he told me about talking with Durkin and he said that Durkin had said, "Go ahead and go to the district attorney. I have him taken care of."

Well, I didn't want to believe this, but at the same time just being a woman I am naturally cautious. So I suggested that we use tape recordings and he thought I was out of my mind and he never heard of such a thing and he asked me why didn't I think of a trip to the moon.

And I said, "Well, it is not really that fantastic." And we had talked also with Billy Munley and Billy Munley had told us about their plans to doublecross him and they wanted him to talk he said.

He said, "They said we will all say you're crazy and we'll all deny it and they have a good excuse because all of the fellows will figure that you ratted and you deserve it.

He said, "It's a shame, but it is better you than me." So then Paul asked me after I finally convinced him to use tapes, how it would be done and if I knew anything about it and I explained to him that on one occasion I had visited in the local radio station, WGBI, when the girls were being interviewed and that while we were there the announced had gone out of the room and he came back in and he jokingly walked over and he had taped us and we didn't know it was taped and it was Mr. Tom Powell who was there and when he turned his tape recorder on we had been discussing him, you see.

(At this point, Senator Mundt entered the hearing room.)

Mr. KENNEDY. I understand that you knew how to tape record and could you just get back to that incident?

Miss CANFIELD. O. K. At any rate, I had a friend of mine who had a tape recorder and we set it up. As soon as Paul saw it was possible to tape, he became enthusiastic about it, too. And so then we made our plans to have Munley come down to the house, who actually did the dynamiting and in fact I don't know how much dynamite was used at the time until I got Munley talking about it at the house and he told me about how he used it and where he put it and about a meeting with the officials that Mr. Bradshaw mentioned the other day.

We also taped George Murphy and George Murphy also verified parts of the dynamiting story.

Mr. KENNEDY. So they verified not only who had done the dynamiting, that Bill Munley had pushed the plunger, but also the fact that there were higher officials of the union involved in the matter and they were acting on instructions.

Miss CANFIELD. That's correct, sir.

Mr. KENNEDY. And that some of these officials names were actually mentioned in the tape.

Miss CANFIELD. They are on the tape, sir.

Mr. KENNEDY. Ultimately, did you make arrangements to turn those tapes over to the district attorney?

Miss CANFIELD. Well, I thought it was a good idea to have a very smart enterprising reporter on it, for the simple reason that in the event that if it were possible that the district attorney could possibly have been taken care of, which I didn't want to believe, I wanted copies made of the tape to make sure they weren't thrown in any wastebaskets.

And so Mr. Brislin made copies of the tape and went with us when we turned them in.

Mr. KENNEDY. And then what happened after that?

Miss CANFIELD. Well, after that, subsequently the dynamiters confessed and we were to go over there in the morning of their arraignment and Mr. O'Malley told us to come over that we might be needed at the arraignment.

And so we went over there in good faith early in the morning and when we got there we went into the room and it wasn't just Mr. O'Malley, there was a captain of the State police and a whole room full of people.

And he started right on Paul with questions like the third degree and here we were supposed to be friendly State witnesses, and I couldn't get this, and I didn't know just what was going on. He got the admission from Paul that his car had been around the place or some little thing, and I don't recall exactly what the conversation was, and just how it came about.

But he got one little admission from Paul that he had been incorrect somewhere in his statement, and he jumped up and he was all prepared to run out. And Paul said, "Wait a minute, Carl, now, I would like to tell you the whole story."

Mr. KENNEDY. The little admission was actually a rather major admission, was it not, that Bradshaw said that he had not had anything to do with the dynamiting, and in fact, he had something to do with it.

Miss CANFIELD. That he had been there at the time, although he didn't actually do the dynamiting, and yet he had been on the scene, and he would be actually included.

Mr. KENNEDY. And you stayed there during the morning and in the afternoon the district attorney brought you over and arraigned you both?

Miss CANFIELD. From the morning until the afternoon we were shut in a room and by afternoon we were finally arraigned.

Mr. KENNEDY. You were arraigned for perjury and for obstruction of justice?

Miss CANFIELD. I was not arraigned for perjury, sir.

Mr. KENNEDY. Obstruction of justice?

Miss CANFIELD. For obstruction of justice.

Mr. KENNEDY. And Mr. Bradshaw also for perjury, was he?

Miss CANFIELD. Mr. Bradshaw was arraigned; yes, sir.

Mr. KENNEDY. Then did you have anything after that? Were you involved, but you have not been tried for obstruction of justice?

Miss CANFIELD. No.

Mr. KENNEDY. As far as you are concerned, that was the end of it? You have not been tried?

Miss CANFIELD. I have been a witness now at the other conspiracy trials, of course, before the grand jury and the investigative grand jury, and so forth.

Mr. KENNEDY. I think that is all.

The CHAIRMAN. Do you still work for the union?

Miss CANFIELD. Sir, I believe very highly in the union, sir.

The CHAIRMAN. I beg your pardon?

Miss CANFIELD. I believe very highly in the union, sir.

The CHAIRMAN. I am having difficulty understanding you.

Miss CANFIELD. I have a very bad throat and probably I am not very clear, either. I believe in the union, sir.

The CHAIRMAN. I did not ask you what you believed in. Do you still work for the union?

Miss CANFIELD. Yes, sir.

The CHAIRMAN. You say you started working there in 1954?

Miss CANFIELD. That is correct, sir.

The CHAIRMAN. And you testified before the other committee?

Miss CANFIELD. That is correct, sir.

The CHAIRMAN. In January some time; did you not?

Miss CANFIELD. I believe it was February wasn't it, sir? I believe it was the middle of February.

The CHAIRMAN. It may have been. But you testified before the other committee?

Miss CANFIELD. That is correct.

The CHAIRMAN. Sometime this year?

Miss CANFIELD. That's right.

The CHAIRMAN. Since then I am wondering if anything has occurred that made your work unpleasant so far as the union officials are concerned.

Miss CANFIELD. No, sir, they give me a very wide berth.

The CHAIRMAN. These people that you have testified against here today, they are still in the union?

Miss CANFIELD. Yes, sir.

The CHAIRMAN. They are still officials?

Miss CANFIELD. Yes, sir, that is correct.

The CHAIRMAN. Since you were in the union and you work for them, there in the office, let us find out now how many of them are under indictment.

Mr. KENNEDY. I think she misunderstood your question.

The CHAIRMAN. I thought you said you worked for the teamsters.

Miss CANFIELD. I am a member of the teamsters.

The CHAIRMAN. But you don't work in the teamsters office?

Miss CANFIELD. Not in the office, is that what you mean? No, sir, I told you I candled eggs.

The CHAIRMAN. I am having a little difficulty understanding you, to be frank about it.

So you have another employment but you are a member of the union?

Miss CANFIELD. Yes, sir.

The CHAIRMAN. You are still in good standing?

Miss CANFIELD. As far as I know, yes.

The CHAIRMAN. Have there been any threats made against you or anyone approached you about your testimony since you testified before the other committee?

Miss CANFIELD. I received threatening phone calls, sir, but no one told me their names.

The CHAIRMAN. You have received threatening phone calls?

Miss CANFIELD. Before I had my number changed and I have an unlisted number now, and no one can call me. But before, I received threatening phone calls and some of them were filthy and others were threatening phone calls.

The CHAIRMAN. Threatening you because you had given testimony before the committee?

Miss CANFIELD. Not before this committee, sir.

The CHAIRMAN. Before the other committee?

Miss CANFIELD. Before the Scranton authorities, sir.

The CHAIRMAN. You have not had any personal threats? I mean, other than telephone calls, and no one in person has accosted you and made threats against you?

Miss CANFIELD. No, sir.

The CHAIRMAN. All right. Are there any questions?

Senator IVES. Miss Canfield, how active have you been in the teamsters union there?

Miss CANFIELD. Well, I became very enthusiastic and I would have done anything, I think, almost.

Senator IVES. You say you have been enthusiastic, but I asked you how active you have been.

Miss CANFIELD. What do you mean by the question?

Senator IVES. Have you gone to the meetings?

Miss CANFIELD. The women aren't allowed, sir.

Senator IVES. Women are not allowed to go to the meetings?

Miss CANFIELD. Only on a contract meeting, and the rest of the time the women don't go. They were told that it wasn't necessary for them to attend. Anyway, no one listens if you do go.

Senator IVES. That is what I suspected.

Miss CANFIELD. If they allowed me to attend, I listen.

Senator IVES. Yet you are very fond of the union.

Miss CANFIELD. That is correct, sir.

Senator IVES. Being treated as you are as second-class citizens in the union?

Miss CANFIELD. That's correct, sir.

Senator IVES. Well, I take it that you are the same way as Mr. Bradshaw was yesterday; that you favor an open shop; is that right?

Miss CANFIELD. If you mean no union at all, I am not in favor of an open shop. I believe in the union, yes.

Senator IVES. Then you disagree with Mr. Bradshaw about the open shop?

Miss CANFIELD. Well, I believe that a man should be allowed to choose and now I think some people, for instance some companies I know are in no position to pay union wages.

Senator IVES. Employees are allowed to choose now, as the law stands.

Miss CANFIELD. Not in Scranton.

Senator IVES. What did you say?

Miss CANFIELD. Not in Scranton, sir.

Senator IVES. You know Miss Canfield, you always have a perfect touche because you keep mentioning Scranton.

I have no further questions.

Senator GOLDWATER. Senator Ives asked all of mine.

Senator McNAMARA. I would like to ask the young lady a couple of questions. Do I understand that this tape job was your idea?

Miss CANFIELD. Yes, sir.

Senator McNAMARA. And you had experience on previous occasions and you said how, but I missed it. How did you say you had previous experience?

Miss CANFIELD. It was rather amusing, but I don't believe they wanted me to go into the details particularly.

Senator McNAMARA. I think that you are supposed to tell everything and just not to tell what you have been coached to tell. You can answer the question.

The CHAIRMAN. What is the question?

Senator McNAMARA. What experience she had with tapes previously.

The CHAIRMAN. The witness will answer the question.

Miss CANFIELD. Certainly, sir. As I said, when Tommy went out of the room, we started talking about him and I think she said he was cute and I said he was conceited or something. At any rate when he

came back and started to play that tape, I headed for the nearest powder room, believe me, and I was so embarrassed and I will never forget the experience.

That is what made me think of it. If it could be pulled on me, I felt certain it could be pulled on somebody else.

Senator McNAMARA. Have you told us who participated in the making of the tape?

Miss CANFIELD. The fellow who participated, who got the tape and set it up, you mean?

Senator McNAMARA. Whose voices were on it.

Miss CANFIELD. I believe I told you, Bill Munley and George Murphy.

Senator McNAMARA. And who are they in connection with the activities?

Miss CANFIELD. They are in the dynamiting, sir.

Senator McNAMARA. Were they members of the teamsters union?

Miss CANFIELD. Yes, sir.

Senator McNAMARA. They were not imported for the job?

Miss CANFIELD. Oh, no. They weren't imported, sir.

Senator McNAMARA. You say you have voted at least twice in one election?

Miss CANFIELD. No, sir; I only voted once and I made too much of a commotion.

Senator McNAMARA. What is that again?

Miss CANFIELD. I only voted once. I made quite a commotion when I went down.

Senator McNAMARA. I understood when you were testifying you said you voted twice.

Miss CANFIELD. I was asked to.

Senator McNAMARA. But you would not do it?

Miss CANFIELD. I would have done it, sir, yes; only I couldn't have gotten away with it, sir.

Senator McNAMARA. We have people testifying here that they voted 6 or 7 times and they got away with it. Why couldn't you?

Miss CANFIELD. I am a woman and a man can walk in there and they don't look, and a woman walks in there and that day I wore a red dress.

Senator McNAMARA. I can imagine they would look.

Miss CANFIELD. I wore a red wool suit and it rather stuck and they looked.

Senator McNAMARA. That is all, Mr. Chairman.

Senator ERVIN. I am sort of intrigued to know who runs the teamsters union in Scranton. You say that you pay dues to them and you were a member but you weren't permitted to attend the meetings.

Miss CANFIELD. The only one who runs it or benefits are the ones who are agents or officials.

Senator ERVIN. In other words, the union is run simply by the officials?

Miss CANFIELD. Yes; and their friends hold the jobs and if you are not a friend you don't count.

Senator ERVIN. And they are not run by the rank and file of the union?

Miss CANFIELD. Oh, no. And they are afraid to do anything about it. And I have heard numerous ones approach me and wish me all of the luck in the world.

Senator ERVIN. Do you not think that a union ought to be, that the union exists for such good purposes that it ought to be able to sell the desirability of joining the union by peaceful persuasion?

Miss CANFIELD. If it were run right, sir; it would.

Senator ERVIN. Do you not think that is the way they ought to be run?

Miss CANFIELD. I think it should be, sir; definitely.

Senator ERVIN. And don't you think that the rank and file of the members of the union ought to have a voice in the way in which a union is run?

Miss CANFIELD. Well, they did have when Piepoli was business agent and it is only since Mr. Robert Malloy got in that it has been a little dictatorship.

Senator ERVIN. So you say it is run by a specialist of dictatorship?

Miss CANFIELD. Incidentally about that, sir, this will interest you: Prior to when Malloy was running for this office, Piepoli was in the office. Mr. Malloy said, "We only have one thing wrong with the leadership here and we need all Irishmen in and if we can get rid of the little wop, everything will be all right."

Senator ERVIN. That is all.

The CHAIRMAN. Any other questions?

Senator KENNEDY. You are working in a grocery store?

Miss CANFIELD. It isn't a grocery store, sir; it's a warehouse. That would be under the clerks.

Senator KENNEDY. As an egg candler?

Miss CANFIELD. Yes, sir.

Senator KENNEDY. And are all of the members or people who work there in the teamsters union?

Miss CANFIELD. The ones who work in the warehouse part, but not the ones who are in the office, of course. All of the candlers would be, sir.

Senator KENNEDY. They are members of the teamsters union?

Miss CANFIELD. That's correct.

Senator KENNEDY. And they are all women?

Miss CANFIELD. Yes, sir.

Senator KENNEDY. How many are there?

Miss CANFIELD. Of the women? Oh, dear, I would have to stop and count and there is half of them off on strike right now, too. There must be about 12 candlers and there is a girl on the table, the table where the eggs come out by the dozens and she packs them in boxes, and then we have a girl who takes them from the crates and puts them on the line—I think 16 or 17 girls.

Senator KENNEDY. How long have they been part of the teamsters union?

Miss CANFIELD. I believe I said 1954.

Senator KENNEDY. What do you pay every month?

Miss CANFIELD. The dues went up; \$3.50 now.

Senator KENNEDY. What do you pay to join?

Miss CANFIELD. \$50, sir.

Senator KENNEDY. Was there another union in there before the teamsters union took over?

Miss CANFIELD. I wouldn't know. I was only interested in it later and I don't really know.

Senator KENNEDY. Who do you have to see to get a job as a candler?

Miss CANFIELD. Well, I started working for the A. and P. and then joined the union and it is in their contract, you work 1 month and after 1 month you join the union and if you don't join, they could get rid of you.

In Miss Joyce's case, they didn't enforce that ruling because they didn't want her in. She would be over me and so they left her work to keep her quiet and let me in first and then let her join the union.

Senator GOLDWATER. When these dues were raised, Miss Canfield, did you individual members have any voice in saying how much they would be raised?

Miss CANFIELD. Well, as a matter of fact, this is amusing. Even the business agent didn't know they were raised.

Senator GOLDWATER. Who raised them?

Miss CANFIELD. He raised them but he didn't know they were raised. The paper approached him and asked him about it and it was news to him that the dues were raised.

In fact the girls that worked said, "Wait until we get ready to pay the dues and we'll start to hand in \$3 instead of \$3.50 and if they say anything, well, our business agent said they weren't raised."

Senator GOLDWATER. Did the president of the local decide they would be raised?

Miss CANFIELD. I don't know who decides those matters but they are raised.

Senator GOLDWATER. What happens if you asked who caused the raise?

Miss CANFIELD. You might get into a difficulty there and I wouldn't want to get into difficulty ordinarily, but I figure I am in this one now, and so I might just as well fight it out.

Senator GOLDWATER. You believe in unions?

Miss CANFIELD. I do, sir.

Senator GOLDWATER. You believe in unions being run that way?

Miss CANFIELD. I think that they should be run right, sir, because run right they are a credit to the whole Nation.

Senator GOLDWATER. I agree with you, but do you think they are being run right in Scranton?

Miss CANFIELD. I know they are not, sir.

Senator GOLDWATER. What are you and the other individual members doing about it?

Miss CANFIELD. I am the only one who is doing anything, and everybody comes to me with their problems and nobody has backbone enough to get up and do anything about it.

I figure they have gone far enough. It is time someone even if it has to be a woman, to shame some of the men. And men, they call themselves men, how can they sleep at night and call themselves men when they sit back and let a woman get up and do their fighting for them? I can't see it.

Senator GOLDWATER. I agree with you 100 percent and thanks for saying that.

Senator MUNDT. I was not exactly clear as to the arrest you mentioned. You went up as a friendly witness and you wound up being accused of obstructing justice.

Miss CANFIELD. That is correct, sir.

Senator MUNDT. What significance do you attach to that, by what happened?

Miss CANFIELD. Well, I thought it was to frighten me into keeping my big mouth shut.

Senator MUNDT. I bet it did not work.

Miss CANFIELD. However, I was mad and it didn't frighten me. They tried to frighten me and it burned me up because here I had gotten confessions when they had never solved the case and they had no one but Bradshaw and they weren't, as far as I knew, making any effort to get anyone else. And here they got the confessions from these people and I was to be at their arraignment and I felt I had served justice and I found out that I was to be charged.

Incidentally, all of the press and everybody knew about it before we did and we were held in this room and we were told we were under arrest. So I said, "Well, we are not under arrest. I am a citizen, can't I walk out of here?" And they said, "No." There was a State policeman stood there for a while watching us and after him a Detective Welch came in to see we didn't leave the room, and after him Wigahouski came in and this was since early in the morning and I was not allowed in the ladies' room and it was 2 o'clock before we were arranged and I had no breakfast and I had no lunch and I had to go to the ladies' room and finally I got very disturbed.

I decided I will forget I am a lady, supposed to be and I said, "Mr. Wigahouski, if you are not going to let me out of here you loan me your hat."

The CHAIRMAN. Let us have a little better order, please. Proceed.

Miss CANFIELD. But he came out in the hall and watched and made sure I came back in.

Senator MUNDT. What I am trying to get at, Mrs. Canfield—

Miss CANFIELD. It is "Miss Canfield." I am divorced and I have my maiden name.

Senator MUNDT. Miss Canfield, what I am trying to get at is who was responsible for what looks to me as if somebody framed you or tried to intimidate you. You had tried to serve justice and you had gotten evidence that apparently the law-enforcement officials had not gotten and I think that you rendered a good service. Now, I am trying to find out from you who was responsible for this strange turn of events where you wind up being arrested or accused instead of applauded and rewarded.

Miss CANFIELD. Well, I asked why we were being held and I was told that we were being held because Carl O'Malley asked that we be held because he wished to speak to us.

He didn't talk to us, however. The detective came in and just marched us across the street to be arraigned and when I went before Magistrate Murphy, who I knew, by that time I was mad and when I got in front of him I really sounded off.

He called our tape recordings a gigantic hoax, after they got confessions for them and so when I got before Magistrate Murphy, I said, "if those tape recordings are a hoax, put them on the radio and let

the city of Scranton decide. Now, I am willing. Is the district attorney willing?" They weren't put on the radio.

Senator MUNDT. What is the district attorney's name?

Miss CANFIELD. The district attorney, sir, I don't believe was there but the assistant district attorney was there and he seemed a bit spell-bound for a moment and I think he thought I was going to be frightened and instead I blew my top.

Senator MUNDT. Who is Mr. O'Malley?

Miss CANFIELD. Mr. O'Malley will be district attorney, sir.

Senator MUNDT. So they never went through with this charge against you, I take it?

Miss CANFIELD. It is still pending, sir, and it could very well—and I wouldn't be a bit surprised if when I got back, it may end up in court.

Senator MUNDT. I would be inclined to doubt that and I doubt if they are going to bring you into court on that one, but it could be.

You are very well versed in union affairs, Miss Canfield, and very articulate, and I wonder if you have any ideas as to how the union situation might be improved.

Miss CANFIELD. I do, sir.

Senator MUNDT. You said you had taken on the challenge and I quite agree with you that men should have done that. I think that there must be red-blooded Americans in the union up there who should be working with you, but you have undertaken to lead off and that is fine.

What ideas do you have as to how conditions might be improved in Scranton?

Miss CANFIELD. Well, a number of ways. One of the biggest things, I think, is everyone should be compelled unless ill, to attend the meetings.

Senator MUNDT. Would you say it a little bit slower?

Miss CANFIELD. I think for one thing that everyone should be compelled to attend the meetings. They are paying dues for them.

Senator MUNDT. Would you say that women should be permitted to vote the same as men?

Miss CANFIELD. Yes, sir.

Senator MUNDT. I think so.

Go ahead.

Miss CANFIELD. Well, I should say that the stewards should be again elected, not appointed. And if the voting is done right and honest, I think we will have no further trouble.

Senator MUNDT. Secret ballot?

Miss CANFIELD. Yes.

Senator MUNDT. Anything else?

Miss CANFIELD. That is all, sir.

Senator MUNDT. Thank you.

The CHAIRMAN. All right. Thank you. You may stand aside.

Call the next witness.

Mr. KENNEDY. Mr. William Munley.

The CHAIRMAN. Mr. Munley, you will be sworn.

Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MUNLEY. I do.

**TESTIMONY OF WILLIAM MUNLEY, ACCOMPANIED BY COUNSEL,
JAMES G. COLLERAN**

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. MUNLEY. William Munley. 1410 Main Street, Peckville, Pa. I am a truckdriver.

The CHAIRMAN. You have discussed, have you, with members of the staff, the testimony and the information which you may have to give?

Mr. MUNLEY. Yes; I have.

The CHAIRMAN. You have also elected, have you, to have counsel present to represent you?

Mr. MUNLEY. Yes; I have.

The CHAIRMAN. Counsel, will you please identify yourself for the record?

Mr. COLLERAN. I am James G. Colleran, an attorney, practicing in Scranton, Pa.

The CHAIRMAN. Thank you very much.

I assume you are familiar with the rules of the committee?

Mr. COLLERAN. I am, Senator.

The CHAIRMAN. All right, Counsel.

Mr. KENNEDY. Mr. Munley, you were convicted in the dynamiting case of the home; is that correct?

Mr. MUNLEY. Yes, sir.

Mr. KENNEDY. And you served a prison term already?

Mr. MUNLEY. Yes, sir; nine and a-half months.

Mr. KENNEDY. And you confessed to the part that you took in the dynamiting?

Mr. MUNLEY. Yes; I have.

Mr. KENNEDY. Did you ever serve time in prison prior to that?

Mr. MUNLEY. Nine and a-half months, sir.

Mr. KENNEDY. No; prior to the time of the dynamiting.

Mr. MUNLEY. No.

Mr. KENNEDY. You had not had any prison record?

Mr. MUNLEY. No, sir.

Mr. KENNEDY. And you had not been in any trouble since that time with the law; is that correct? You had not been in any trouble since that time?

Mr. MUNLEY. No.

Mr. KENNEDY. As I understand it, Mr. Munley, you were the one that pushed the charger to set off the dynamite?

Mr. MUNLEY. That is true, sir.

Mr. KENNEDY. Can you remember this, Mr. Munley: You were originally approached by whom to arrange the dynamiting of the home?

Mr. MUNLEY. I was approached by Paul Bradshaw, the first one that approached me.

Mr. KENNEDY. And did you also discuss it with Mr. Hubshman?

Mr. MUNLEY. Well, I do believe that I talked to everyone about it.

Mr. KENNEDY. About the arrangements.

Now, did you receive any instructions from any of the union officials, from the carpenters, the electricians, the common laborers, or the teamsters, any of the business agents of those unions, did you receive

any instructions from them or have any conversations with them about the dynamiting?

Mr. MUNLEY. No, sir.

Mr. KENNEDY. You never did?

Mr. MUNLEY. No, sir.

Mr. KENNEDY. They were not involved in it at all?

Mr. MUNLEY. No, sir; not to my knowledge.

Mr. KENNEDY. You went to the home of Miss Canfield at the request of Mr. Paul Bradshaw, and at that time you stated that some of these other higher union officials were involved?

Mr. MUNLEY. Yes, sir; I would like to explain that, if I may.

Mr. KENNEDY. Please do.

Mr. MUNLEY. The reason I went to Paul Bradshaw's apartment was he was after me, well, months before, to go, and which I never did go down. He had come to me and he stated that Miss Canfield was going to leave him. Well, I knew he was crazy about her, and, well, I knew they used to go away together. So that was the reason I came down.

Mr. KENNEDY. So you came down and told this story about the fact that you had set off a plunger and then you also told Paul Bradshaw——

Mr. MUNLEY. That is right. He said he didn't care about his wife. He just cared about Helen, and for me to go down and tell Helen that he had nothing to do with it.

(At this point, Senator McClellan withdrew from the hearing room.)

Mr. KENNEDY. Did you tell her anything that was untrue? Did you tell her at that time that he had nothing to do with it?

Mr. MUNLEY. Well, I don't remember.

Mr. KENNEDY. If that is why you went down there, Mr. Munley, that is what you must have said.

Mr. MUNLEY. I know that was the purpose of going down there.

Mr. KENNEDY. Then if you went down there for that purpose, then I would think that you would have said that.

Mr. MUNLEY. That is why I was supposed to go down.

Mr. KENNEDY. But you did not say that, Mr. Munley. You never told Miss Canfield that or Mr. Bradshaw. Why, if you went down there for the specific purpose of saying that, why did you not tell them that?

Mr. MUNLEY. I didn't get that.

Mr. KENNEDY. Why, if you went down to Miss Canfield's home to make sure that Miss Canfield knew that Paul Bradshaw was in no way involved in the dynamiting, why did you not ever tell her that when you were down there, if that was the purpose?

Mr. MUNLEY. Why did I ever tell her?

Mr. KENNEDY. Why didn't you?

Mr. MUNLEY. I believe I did tell her.

Mr. KENNEDY. No. You said that Mr. Bradshaw was in the car. And that is true; isn't it, Mr. Munley?

Mr. MUNLEY. Yes; he was in the car.

Mr. KENNEDY. So you told nothing but the truth?

Well, if that is the reason you went down there, to tell that Mr. Bradshaw was not involved, why did you bring your own brother into it? Was your brother involved in this dynamiting.

Mr. MUNLEY. No; he was not.

Mr. KENNEDY. Why did you bring your brother Jack Munley into it?

Mr. MUNLEY. Well, I did state before that we had talked about this once before, and there was——

Mr. KENNEDY. What do you mean by that?

Mr. MUNLEY. Well, he had told me things such as you are stating now, that my brother was implicated in it, which I knew he wasn't.

Mr. KENNEDY. You say in the tape recording that you discussed it with your brother and your brother advised you against using dynamite.

Mr. MUNLEY. Yes. That is what I am trying to explain to you, the reason I went down there. I wouldn't have told Helen Canfield that, I wouldn't implicate my brother, because my brother didn't know anything about it.

Mr. KENNEDY. Then why did you——

Mr. MUNLEY. But we had talked about this before going down.

Mr. KENNEDY. But that has nothing to do with showing that Paul Bradshaw——

Mr. MUNLEY. He told me so many times, I just volunteered it. It just came out. He talked to me so many times about it.

Mr. KENNEDY. That you were sort of brainwashed?

Mr. MUNLEY. Well, you don't know him.

(At this point, Senator McClellan entered the hearing room.)

Mr. KENNEDY. But you deny that your brother was involved in it at all?

Mr. MUNLEY. Yes, sir.

Mr. KENNEDY. And the testimony yesterday that the equipment for the dynamiting came from across the bar from your brother is not true?

Mr. MUNLEY. It is not true.

Mr. KENNEDY. And the fact that you went down and said that you had this discussion with your brother, when you said that in front of Helen Canfield and Paul Bradshaw, you said that because you had heard it so many times from Paul Bradshaw that you almost believed it to be true or you just accepted it?

Mr. MUNLEY. I didn't believe it to be true. I knew it wasn't true. I heard it so many times from him, naturally, when I did go down to the apartment, I was briefed before it, so I would say anything just to get away from it.

(At this point, Senator Ives withdrew from the hearing room.)

Mr. KENNEDY. For instance, here, you say——

Well, you were there, I didn't know nothing, they called me over to the pinball and they were telling me. They went over to the bar and they were talking to my brother. My brother told me not to have anything to do with it; but he never, you know, he doesn't tell me what to do. So then, Paul came over and told me not to do it because Malloy didn't want it. And he was away. So I didn't know what the hell to do.

Why did you bring in your brother's name again?

Mr. MUNLEY. Well, as I said before, he had seen me before this, and he had told me "Tell her anything", he said, "just anything so she won't leave me."

Mr. KENNEDY. I think when I talked to you a few days ago in the office, you said that the reason you went down there was because—well, I won't—that the reason was that his wife was going to leave him and he was upset about that and also wanted to pacify Helen Canfield. Could you tell why you brought in the names of Bonacuse, Durkin, and some of the other high union officials?

Why did you bring those in?

Mr. MUNLEY. Just like I explained to you before. We had talked about this many times before, and he had brought their names in and, naturally, when I went down I said the same thing. I would say anything just to get away from him.

Mr. KENNEDY. You went down to this home of Helen Canfield, and for the reason, you state, because you wanted Helen Canfield to know that Paul Bradshaw was not involved.

No. 1, you never told her that. All you did was tell her the truth, that he was in a car.

The second thing is you brought your brother into it which had nothing to do with showing Paul Bradshaw was not involved, and then you brought Bartell, Bonacuse, and Durkin names into it that had nothing to do with the fact that Bradshaw was innocent.

Why did you bring all of these extraneous matters in if they were not true?

Mr. MUNLEY. Well, I know they are not true, but what I am trying to explain is like I told you before we had talked about it. These things were talked over before. My brother, the business agents, and all. So, naturally, when I did go down, I mentioned that again, because it was—

Mr. KENNEDY. Why would he, Mr. Bradshaw, keep bringing this up to you.

Mr. MUNLEY. Well, that is the kind of guy he was. He was going to shoot himself one minute, the next minute his girl friend was leaving him, his wife was leaving him.

Mr. KENNEDY. That wouldn't be any reason for you to bring in these names, that wouldn't be any reason for you to go down and say these same things all over again that were not true.

Mr. MUNLEY. Well, that is what I am trying to explain to you. You don't think I would go down and say my brother had anything to do with it, when I know he didn't.

Mr. KENNEDY. Unless he did have something to do with it.

Mr. MUNLEY. But he did not have anything to do with it.

Senator MUNDT. What did you tell them, quite regardless of whether what you told them is true or not, what had you told them that your brother had done? You said you did tell them that your brother had something to do with it, but you did that because you wanted to get rid of Mr. Bradshaw. What did you tell them that your brother had done?

Mr. MUNLEY. Well, as Mr. Kennedy said, he said that I stated on the tape recordings that my brother knew we were going down to dynamite this foundation.

Mr. KENNEDY. The only part you stated on the tape recording is what I read to you.

Senator MUNDT. Did you say on the tape recording that your brother had provided you with the dynamiting machinery or apparatus, whatever you call it?

Mr. MUNLEY. I don't remember, sir.

Mr. KENNEDY. He did not. All he said was that he discussed it with his brother, and his brother, at least initially, told him not to get involved in it, and Mr. Munley has stated that he never even discussed it with his brother.

Senator MUNDT. I thought you stated that you had discussed it with your brother, that your brother had told you to keep away from it, is that right?

Mr. MUNLEY. I didn't get you.

Senator MUNDT. Did you tell the committee that you had discussed this with your brother and that your brother had told you not to have anything to do with it?

Mr. MUNLEY. I didn't quite understand you, sir.

Senator MUNDT. Did you not tell the committee this morning that you had discussed this with your brother and that your brother had advised you to keep away from any dynamiting activity?

Mr. MUNLEY. No. I said that my brother didn't know anything about it.

Senator MUNDT. But you never had discussed it with him at all?

Mr. MUNLEY. No, sir.

The CHAIRMAN. If I understand you correctly, then, you say now your brother had nothing to do with it?

Mr. MUNLEY. That is right.

The CHAIRMAN. You state now that you never discussed it with your brother?

Mr. MUNLEY. Yes, sir.

The CHAIRMAN. You did state at the time the recording was made that you had discussed it with your brother and he told you not to have anything to do with it. Is that what you said at the time the tape recording was made?

Mr. MUNLEY. I don't know, sir. I don't remember.

The CHAIRMAN. Counsel, read it again.

Mr. KENNEDY (reading):

Well, you were there, I didn't know anything, they called me over at the pinball and they were telling me. They went over to the bar and they were talking to my brother. My brother told me not to have nothing to do with it; but he never, you know, he doesn't tell me what to do. So then Paul came over and told me not to do it because Malloy didn't want it.

The CHAIRMAN. I do not see how that would involve his brother, if he did have such a conversation, if his brother told him not to have anything to do with it.

I do not see how you would go down there and make a statement that you had such a conversation with your brother if you did not have it. That is what I do not understand.

Mr. MUNLEY. I did not have that conversation. If I said that on the recording that was just read to me by Mr. Kennedy, if I said it on the recording, it is true. I mean, that I did say it. But it is untrue.

The CHAIRMAN. You say if it is on the recording, you said it?

Mr. MUNLEY. I said it, but it is untrue.

The CHAIRMAN. But you are saying now that it is not true?

Mr. MUNLEY. That is right.

The CHAIRMAN. I do not see that it makes a great deal of difference either way, whether it is true or is not, unless there is something else

to connect your brother with it. The fact that he would admonish you or try to prevent you from committing a crime, certainly it does not reflect upon him, except credit upon him. I do not understand it.

You mentioned several other names there that night, did you?

Mr. MUNLEY. Yes, sir.

The CHAIRMAN. Who were the officers whose names you mentioned?

Mr. MUNLEY. I don't remember, sir.

The CHAIRMAN. You do not remember?

Mr. MUNLEY. No.

The CHAIRMAN. Who were the officers that gave the instructions?

Mr. MUNLEY. No officers gave me instructions.

The CHAIRMAN. No officers gave you instructions?

Mr. MUNLEY. No, sir.

The CHAIRMAN. Why were you interested in committing the act? Why were you personally interested in going down there and putting dynamite in that house?

Mr. MUNLEY. I was asked and I went.

The CHAIRMAN. You were asked by whom?

Mr. MUNLEY. Paul Bradshaw.

The CHAIRMAN. What did you owe Paul Bradshaw that caused you to commit a crime for him?

Mr. MUNLEY. I owe him nothing.

The CHAIRMAN. What did you owe at that time?

Mr. MUNLEY. I owed him nothing.

The CHAIRMAN. Why would you go down and commit a crime for somebody, then?

Mr. MUNLEY. Well, I made a mistake.

The CHAIRMAN. Paul Bradshaw had no authority to order you around, did he?

Mr. MUNLEY. No, sir.

The CHAIRMAN. He could not order you to do anything?

Mr. MUNLEY. No, sir.

The CHAIRMAN. And yet you are the one that actually plunged the dynamite so that it would explode?

Mr. MUNLEY. That is true.

The CHAIRMAN. Why did you not have him do it, if he was the one that was so interested in it? Why did you not have him plunge the dynamite himself?

Mr. MUNLEY. I knew it myself.

The CHAIRMAN. And yet you maintain that you had no instructions from higher officers to do it, but it was just some teamsters that got down there and blew up the place? Is that it?

Mr. MUNLEY. That is just what I did, sir.

The CHAIRMAN. Any further questions?

Mr. KENNEDY. Here, Mr. Chairman, for instance, Mr. Munley, at the time stated that:

This was brought up, McHugh, Durkin, and Malloy and the rest of them got together, you understand? I was up at my brothers. I got a call. Bob said, can I see you? So I said yeah. He said, come down I'll be at the room. So I went down and Joe was there, Bob, and McHugh, yeah, McHugh. So he said, ah, you know, I think Paul is going to break down.

You are bringing the names in of all, of Bonacuse, Malloy, and Durkin into this transcript continuously. I would like to point that out. I think you have given your reason. Bradshaw brought it up so many times.

Mr. MUNLEY. That is the reason.

Senator MUNDT. Did Malloy tell you to use dynamite?

Mr. MUNLEY. No, sir.

Senator MUNDT. Did he tell you not to use dynamite?

Mr. MUNLEY. I never discussed this with any union official.

Senator MUNDT. Did he tell you not to use dynamite?

Mr. MUNLEY. He didn't tell me anything.

Senator MUNDT. Did he know you were going to visit the house that night?

Mr. MUNLEY. No, sir.

Senator MUNDT. Did you discuss with Malloy the idea of sawing the beams in the structure?

Mr. MUNLEY. No, sir.

Senator MUNDT. You are telling us under oath that Malloy did not know you were going to go there at all?

Mr. MUNLEY. Yes, sir.

Senator MUNDT. You and Bradshaw cooked this up yourself?

Mr. MUNLEY. I didn't say Bradshaw and I cooked this up.

Senator MUNDT. Who did cook it up?

Mr. MUNLEY. I said that Paul Bradshaw first came to me and he asked me to go down, and, naturally, well, I went down. I made a mistake and I went down.

Senator MUNDT. But you must have had some reason for going. You were not in the habit of dynamiting houses, were you?

Mr. MUNLEY. No, sir.

Senator MUNDT. If anybody in Scranton came to you and said, "Look, let's go down and dynamite a house," you would not have gone, would you?

Mr. MUNLEY. I don't imagine I would.

Senator MUNDT. Why did you go with Bradshaw?

Mr. MUNLEY. Like I say, sir, I made a mistake. I went.

Senator MUNDT. Certainly you made a mistake, but why did you go when Bradshaw asked you to dynamite the house?

Mr. MUNLEY. I don't know.

Senator MUNDT. What did he have on you?

Mr. MUNLEY. He didn't have nothing on me.

Senator MUNDT. You are telling us, then, that you did not ordinarily dynamite houses. You would not go if anybody in Scranton asked you to dynamite a house, but if Bradshaw asked you, you would go.

Mr. MUNLEY. At that time, sir, I went.

Senator MUNDT. What reason did he give you for dynamiting the house?

Mr. MUNLEY. I just don't recall the reason that he gave.

Senator MUNDT. He just said, "Let's go dynamite a house" and you said "Yes," for no reason?

Mr. MUNLEY. Well, he didn't like scabs. That was one that I know of.

Senator MUNDT. It does not make sense to me.

The CHAIRMAN. Do you like scabs?

Mr. MUNLEY. Well, I was union.

The CHAIRMAN. I understand.

You said, though, that was the reason that Bradshaw gave for wanting to blow up the house, that he did not like scabs. Do you agree with him on that?

Mr. MUNLEY. I wouldn't say that.

The CHAIRMAN. You would not?

Mr. MUNLEY. No, sir.

The CHAIRMAN. You did not blow up the house, then, because you did not like scabs?

Mr. MUNLEY. I have no reason. I really don't know why I did it.

The CHAIRMAN. You do not expect anybody to believe that, that you have no reason or had no reason at the time. Do you expect intelligent people to believe that—you are a pretty intelligent man—that you did it without any reason at all?

Mr. MUNLEY. Well, that is the reason.

The CHAIRMAN. That is the reason you did it, without a reason?

Mr. MUNLEY. That is right.

The CHAIRMAN. Is that the best testimony you can give about it?

Mr. MUNLEY. I just went and more or less on a dare. That is what it was. I was asked to go.

The CHAIRMAN. Senator Goldwater?

Senator GOLDWATER. Mr. Munley, could it have been possible that Mr. Bradshaw had been ordered by the union officials to blow this house up?

Mr. MUNLEY. I didn't understand.

Senator GOLDWATER. Could it have been possible that Mr. Bradshaw had been ordered by the union officials to blow this house up?

Mr. MUNLEY. I don't know that.

Senator GOLDWATER. Did Mr. Bradshaw ever tell you that he had been ordered to or asked to?

Mr. MUNLEY. No, sir; not that I remember.

Senator GOLDWATER. Mr. Munley, one part of your discussion has me a little bit concerned. I wanted to clear up whether you meant what you said. It seems to me that I recall your testifying a little bit earlier that you had discussed this dynamiting for several months before it actually took place. I believe you will find something in the testimony pretty much to that effect. Had you discussed this?

Mr. MUNLEY. Several months before the dynamiting took place? No, sir.

Senator GOLDWATER. That is, if my memory serves me correctly.

Mr. MUNLEY. I don't believe I ever made that statement.

Senator GOLDWATER. We will check the record and see if you did, tomorrow. I believe you did say that.

Did you ever discuss it before that night?

Mr. MUNLEY. Before the night of the actual dynamiting?

Senator GOLDWATER. That is right.

(At this point Senator Kennedy withdrew from the hearing room.)

Mr. MUNLEY. I believe it was the night before that I can remember.

Senator GOLDWATER. You discussed it, then, the night before the actual dynamiting?

Mr. MUNLEY. No; I just don't remember whether it was the actual night or the night before. I am not sure. I couldn't answer.

Senator GOLDWATER. Where did they pick you up when they decided to go?

Mr. MUNLEY. They picked me up in Jessup.

Senator GOLDWATER. In Jessup?

Mr. MUNLEY. Yes.

Senator GOLDWATER. Is that a suburb of Scranton?

Mr. MUNLEY. Yes.

Senator GOLDWATER. They never talked to you before? Or had they talked to you before about this dynamiting?

Mr. MUNLEY. Not that I remember. I don't know if it was the night it actually happened or the night before.

Senator GOLDWATER. Were you in on any discussions about sawing the beams versus using dynamite?

Mr. MUNLEY. No, sir.

Senator GOLDWATER. I would like to ask the counsel if he recalls what I have recalled in his earlier testimony, that they discussed this for months or several months before the actual event.

Mr. KENNEDY. I don't believe so, Senator.

Senator GOLDWATER. It seems to me I heard that.

Mr. KENNEDY. As I understand the facts from Mr. Bradshaw's testimony, Mr. Munley was brought in at the last moment because he knew about dynamiting, and that he had not been in on the original scheme of things as far as the sawing of the joists, but he was brought in because he could do the dynamiting; is that true?

Mr. MUNLEY. That is true.

Senator GOLDWATER. I recall that testimony. That is why the words of Mr. Munley sort of surprised me. As I say, we will check it in the testimony when the transcripts have been made.

Senator McNAMARA. Mr. Chairman?

The CHAIRMAN. Senator McNamara.

Senator McNAMARA. You indicate that they were interested in you because you knew how to do the dynamiting job. How did you acquire this experience?

Mr. MUNLEY. I worked as a miner, a laborer in the coal mines.

Senator McNAMARA. Do you use dynamite?

Mr. MUNLEY. Yes; I used it in that service.

Senator McNAMARA. They did not offer you any pay? Is that your testimony now?

Mr. MUNLEY. That is true.

Senator McNAMARA. Did you think you might get paid, even though you were not offered anything in advance?

Mr. MUNLEY. No, sir.

Senator McNAMARA. You did not expect any reward at all?

Mr. MUNLEY. No, sir.

Senator McNAMARA. That is all.

Senator ERVIN. Mr. Chairman?

The CHAIRMAN. Senator Ervin?

Senator ERVIN. I would like to find out what exactly you do remember about this. Who participated in the episode? Who went to the house that was dynamited with you?

Mr. MUNLEY. There was myself, Paul Bradshaw, Robert Hubshman, Joseph Malloy and George Murphy.

Senator ERVIN. Did the other ones, outside of Bradshaw, give you any reason why they were going to assist in the dynamiting?

Mr. MUNLEY. I don't believe so.

Senator ERVIN. When did you first hear about the proposal to dynamite the building, the foundation?

Mr. MUNLEY. When did I?

Senator ERVIN. When did you first hear? As I understand it, the dynamiting occurred on May 1, 1954. How long was it before May 1, 1954, you first heard about the proposal to do this dynamiting?

Mr. MUNLEY. I don't know if it was the actual night or the night before. I am not sure. I couldn't answer that.

Senator ERVIN. Did you discuss the proposal to dynamite this building with anybody except Paul Bradshaw?

Mr. MUNLEY. Well, in the course of the night, we all talked about it. I mean—

Senator ERVIN. Did the other ones tell you why they were willing to participate in this kind of an act?

Mr. MUNLEY. No, sir.

Senator ERVIN. Were you not curious to find out why somebody wanted to dynamite this building?

Mr. MUNLEY. Well, I mean, it is like I said before, like he didn't like scabs.

Senator ERVIN. Well, you do not like them either, or you did not at that time, at least, did you?

Mr. MUNLEY. Well, I think everyone is entitled to a day's work.

Senator ERVIN. And also you are willing to do a night's work in dynamiting lines.

Mr. MUNLEY. Well, like I said, I made a mistake.

Senator ERVIN. In other words, you were participating in this dynamiting because you considered the men that were working on this house to be scabs?

Mr. MUNLEY. I wouldn't say that, no.

Senator ERVIN. Why did you bring that subject in yourself awhile ago?

Mr. MUNLEY. I just had told you that Paul Bradshaw had made that statement, that he didn't like scabs.

Senator ERVIN. Well, did you bring it in and say you did not like scabs when I asked you why you were willing to participate in this?

Mr. MUNLEY. No, I did not. I gave no reason. I had no reason. I just went, like I said. I made a mistake and I went down.

Senator ERVIN. Why did you tell me awhile ago that you did not like scabs, because I had not mentioned scabs, and I have not heard another single human being mention that term until you brought it in.

Mr. MUNLEY. I don't believe I told you that, that I didn't like scabs.

Senator ERVIN. I will ask you if you did not tell me within the last 90 seconds that you did not like scabs?

Mr. MUNLEY. I don't believe I did.

Senator ERVIN. Who was it said they didn't like scabs?

Mr. MUNLEY. I told you I heard him mention that, Paul Bradshaw, didn't like scabs.

Senator ERVIN. When did you hear that mentioned with reference to the time of the dynamiting of the house, while at the house or before you got there?

Mr. MUNLEY. That he didn't like scabs?

Senator ERVIN. That is exactly what I am asking you.

Mr. MUNLEY. Well, I have heard that before. I worked with him on different jobs.

Senator ERVIN. Did you assume that the reason Paul Bradshaw wanted this foundation dynamited was because he considered that scabs were working on this particular job?

Mr. MUNLEY. Well, that was possible at that time. I really don't remember just—you know.

Senator ERVIN. You do not remember very much about this.

Mr. MUNLEY. Oh, yes, I do. I remember.

Senator ERVIN. Well, exactly what do you remember about it? Everything that has been asked about is something you have forgotten or you have no reason for.

Mr. MUNLEY. Well, like I said, he came to me, he asked me to go down, and I went down.

Senator ERVIN. That was the sole reason?

Mr. MUNLEY. That is right.

Senator ERVIN. If he had come to you and asked you to go and murder someone, you would not have done that, too, would you?

Mr. MUNLEY. No, I would not.

Senator ERVIN. Where would you draw the line? You have told us that the reason you did this was simply because Paul Bradshaw asked you, and you tell us he did not even tell you why he wanted it done. I believe he did say that he did not like this man, or did you say that?

Mr. MUNLEY. I said that Paul Bradshaw had said that he didn't like scabs. He made a statement on that order. But I had no reason. I went down because I was asked to go down.

Senator ERVIN. That is all?

Mr. MUNLEY. More or less a dare, so I went down.

Senator ERVIN. That is what I am trying to get at. You went to blow down the foundation, to do injury to the property, but you would not have gone and committed murder at his instance. Exactly where would you have drawn the line as to what you would have done at Paul Bradshaw's request?

Mr. MUNLEY. If he asked me to murder someone, is that what you are saying?

Senator ERVIN. You say you would not have murdered anybody at his request. I want to know where you would have drawn the line between dynamiting the foundation of a house and committing murder at his request.

Mr. MUNLEY. I really don't understand what you are saying. I mean, I can't understand.

Senator ERVIN. You have told us that simply at the request of Paul Bradshaw and without any reason whatever, you went down there and participated in this dynamiting, and that, furthermore, a few days later, at the request of Paul Bradshaw, and for no other reason, that you went to see Miss Helen Canfield and that you told her a whole lot of stuff that was not true, to Miss Canfield, for Paul Bradshaw's benefit.

Mr. MUNLEY. Like I said before, he was after me months before going down to Helen Canfield's apartment.

Senator ERVIN. And you say you only told this cock and bull story to Miss Canfield to get rid of Paul Bradshaw?

Mr. MUNLEY. And that she was going—

Senator ERVIN. Wait a minute, did you not say that, to get rid of Paul Bradshaw?

Mr. MUNLEY. Yes. The guy was after me for months. I couldn't listen to him any more.

Senator ERVIN. You remind me of a woman that came to me and wanted to get a divorce from her husband. She said he was the most trifling human being that was covering the outer surface of the earth. I said, "Well, did you know what kind of a person he was before you married him?" And she said, "Oh, yes, I knew how sorry he was, I was raised in the same neighborhood." I said, "Why did you marry him knowing those things?" She said, "He just kept hanging around and that is the only way I figured I could get rid of him."

So you tell us now the only reason you did this dynamiting and told these things which you now say are false was to get rid of Paul Bradshaw?

Mr. MUNLEY. That is true.

Senator GOLDWATER. Mr. Chairman?

The CHAIRMAN. Senator Goldwater?

Senator GOLDWATER. During the course of the colloquy that you have just engaged in, you mentioned that you have had been on other jobs with Mr. Bradshaw.

Mr. MUNLEY. That is right.

Senator GOLDWATER. Were those jobs of this nature?

Mr. MUNLEY. No, sir; I meant that I was employed at different jobs with him.

Senator GOLDWATER. Actual labor?

Mr. MUNLEY. Yes, sir.

Senator GOLDWATER. One other thing. You said that you remembered everything about that night. What colored wires did you use to run from the battery box to the dynamite charge?

Mr. MUNLEY. What kind of wires was it?

Senator GOLDWATER. What color? Do you remember the color?

Mr. MUNLEY. Well, it is like a yellowish color.

Senator GOLDWATER. It would not be white and red?

Mr. MUNLEY. I wouldn't remember. I wouldn't know.

Senator GOLDWATER. That is all.

The CHAIRMAN. Senator Mundt?

Senator MUNDT. Mr. Munley, where did you get the dynamite?

Mr. MUNLEY. From the Gasperini operation.

Senator MUNDT. From where?

Mr. MUNLEY. Gasperini Excavating Co.

Senator MUNDT. Did you buy or steal it?

Mr. MUNLEY. Well, I didn't get it myself.

Senator MUNDT. Who got it?

Mr. MUNLEY. I believe—it was in my car was the first time I had seen it.

Senator MUNDT. How did you know where it came from?

Mr. MUNLEY. What is that?

Senator MUNDT. How did you know where it came from?

Mr. MUNLEY. I know where it came from.

Senator MUNDT. Who told you where it came from?

Mr. MUNLEY. Bobbie Hubshman.

Senator MUNDT. Did he steal it or buy it?

Mr. MUNLEY. I don't know.

Senator MUNDT. He just told you he got it from the Gasperini outfit?

Mr. MUNLEY. Yes, sir.

Senator MUNDT. Where did you get the plunger?

Mr. MUNLEY. I got the plunger from a small coal operation where I live.

Senator MUNDT. Did you borrow it?

Mr. MUNLEY. I borrowed it.

Senator MUNDT. Did you tell them why you wanted it?

Mr. MUNLEY. Yes, to bootleg coal.

Senator MUNDT. You told them what?

Mr. MUNLEY. To get some coal.

Senator MUNDT. You did not tell them the right reason?

Mr. MUNLEY. No, sir.

Senator MUNDT. Is this the first house you ever dynamited?

Mr. MUNLEY. Yes, sir.

Senator MUNDT. You must remember pretty vividly, then, what went on, because it is the first experience you ever had of that kind?

Mr. MUNLEY. Yes, sir.

Senator MUNDT. There were 5 people in the operation, you have given us 5 names, is that right?

Mr. MUNLEY. Yes, sir.

Senator MUNDT. We know where one of them was, and that is Mr. Bradshaw, and he was in the car, according to your testimony, right? We know where you were, you were pushing the plunger. What did the other three men do? Name each man by name and tell us what he did.

Mr. MUNLEY. Well, Paul Bradshaw and George Murphy were lookouts. They were to give the signal that all would be clear and that no one would go by when I was ready to push the plunger.

Senator MUNDT. Were they both in the car, then?

Mr. MUNLEY. Yes; they were in the car.

Senator MUNDT. Very well, two lookouts were in the car. You have three more individuals. Tell us what they did.

Mr. MUNLEY. Myself and Joseph Malloy was in the foundation. Rather, I rigged up the dynamite, and I stretched the wire. The three of us got into my car and then we got the signal from Bradshaw and Murphy that everything was clear, and I pushed the plunger.

Senator MUNDT. The Malloy that you mentioned, is that the brother of Bob Malloy?

Mr. MUNLEY. Yes, sir.

Senator MUNDT. He is his brother?

Mr. MUNLEY. Yes, sir.

Senator MUNDT. Who told him to participate in this, do you know?

Mr. MUNLEY. I don't know.

Senator MUNDT. Mr. Bradshaw or Mr. Malloy?

Mr. MUNLEY. I don't know.

Senator MUNDT. You never heard him say?

Mr. MUNLEY. No, sir.

Senator MUNDT. You and Mr. Malloy, then, rigged up the dynamite and stretched the wires, and you came back to the plunger. Did Malloy come back to the plunger with you?

Mr. MUNLEY. He came back to the car. That is where the plunger was, in the car.

Senator MUNDT. In the same car with Bradshaw and this other man?

Mr. MUNLEY. No; they were opposite——

Senator MUNDT. Two cars you had there?

Mr. MUNLEY. Yes, sir.

Senator MUNDT. The lookouts were in one car and you and Mr. Malloy were at the plunger in another car?

Mr. MUNLEY. Yes.

Senator MUNDT. You had a fifth man. Where was he?

Mr. MUNLEY. He was in the car with us. Bobby Hubshman.

Senator MUNDT. Who?

Mr. MUNLEY. Robert Hubsman. He was in the car with us.

Senator MUNDT. And did Robert, this third man, also help put the dynamite in the foundation and help stretch the wires?

Mr. MUNLEY. No, sir.

Senator MUNDT. What was his function?

Mr. MUNLEY. Well, he just was more or less an onlooker, too, or, rather, a lookout. We was watching that no one was coming up from the other side. He drove the car.

Senator MUNDT. He was a lookout at some other point?

Mr. MUNLEY. Yes, sir.

Senator MUNDT. Where did you meet before you started to go to the house?

Mr. MUNLEY. We met at the Shamrock Cafe, Jessup, Pa.

Senator MUNDT. The five of you met at the Shamrock Cafe?

Mr. MUNLEY. Well, my brother owned the place and I visit the place frequently.

Senator MUNDT. All right. That is where the five of you met; is that right?

Mr. MUNLEY. What is that?

Senator MUNDT. That is where the five of you met that night?

Mr. MUNLEY. Yes, sir.

Senator MUNDT. At what time?

Mr. MUNLEY. I don't remember. I couldn't tell you.

Senator MUNDT. Well, you have a pretty good idea.

Mr. MUNLEY. I don't. I don't know.

Senator MUNDT. Was it 4 o'clock in the afternoon?

Mr. MUNLEY. It wasn't in the afternoon?

Senator MUNDT. All right. Midnight?

Mr. MUNLEY. I don't know. I couldn't say when.

Senator MUNDT. About what time did you dynamite the house?

Mr. MUNLEY. I don't know that either.

Senator MUNDT. You have a pretty good idea.

Mr. MUNLEY. It was after midnight, I believe it was.

Senator MUNDT. After midnight?

Mr. MUNLEY. Yes, sir.

Senator MUNDT. Would you say that you met in your brother's cafe before midnight?

Mr. MUNLEY. Yes; it was before midnight.

Senator MUNDT. And how long did you stay at the cafe before you drove over to the house?

Mr. MUNLEY. I don't know.

Senator MUNDT. About how long?

Mr. MUNLEY. I couldn't—

Senator MUNDT. Four hours?

Mr. MUNLEY. I couldn't say if it was 4 hours or an hour or 15 minutes.

Senator MUNDT. You ought to have an idea. If this is the first house you ever dynamited, you would know the difference between 4 hours and 15 minutes, certainly.

Mr. MUNLEY. It has been so long I can't remember, even.

Senator MUNDT. About how long would you think you stayed there?

Mr. MUNLEY. I wouldn't know, sir, to answer you truthfully.

Senator MUNDT. This was the second time that the group of five had met, is that right? They had met just one time before?

Mr. MUNLEY. I couldn't say that we had met before. As I said before I don't know if it was the actual night of the dynamiting that we met or before.

Senator MUNDT. Obviously you met the night of the dynamiting, and you said that you had met one time before, and you thought it was the night before.

Mr. MUNLEY. I said that I thought we might have met.

Senator MUNDT. Where did you meet the first time? Where was the first time you got together to work out this conspiracy?

Mr. MUNLEY. I didn't say that. I said we might have. I don't remember.

Senator MUNDT. I am sure that you must have, because you did not just go down to your brother's cafe and there and then conclude to dynamite the house and just happen to have the dynamite, the wires and the plunger and everything with you. That does not make any sense to anybody. Obviously, you met some time before to plan the operation. I am trying to find out where you met to make the plan.

Mr. MUNLEY. Well, it must have been in the same place. Like you said, we must have met before. We must have, because I got the plunger and the wire the following day.

Senator MUNDT. Where did you meet the first time? At your brother's cafe, too?

Mr. MUNLEY. Yes, sir.

Senator MUNDT. And you made your plans there?

Mr. MUNLEY. Yes.

Senator MUNDT. Right out in the open, right in the cafe, with all the people watching you? Or did you have some little private room?

Mr. MUNLEY. No, there is no private room. It was right at the bar. Not at the bar, away from it. I don't even remember just what place at the bar it was, but it was mentioned a few times, and it could have been in different places at the bar.

Senator MUNDT. Is not this kind of a dangerous thing to be cooking up at a public bar, a public restaurant?

Mr. MUNLEY. I wouldn't know. I never did anything like that before.

Senator MUNDT. You cannot remember very much about what you did then, can you?

Mr. MUNLEY. Well, I am trying to, so far as I can remember. I can't remember everything about it.

Senator MUNDT. Did Mr. Bradshaw ever try to intimidate you? Were you afraid of him? Is that why when he said "Come on and let's dynamite a house," you said "Yes, sir"?

Mr. MUNLEY. I didn't understand.

Senator MUNDT. Were you afraid of Mr. Bradshaw?

Mr. MUNLEY. No, I was not afraid of him.

Senator MUNDT. Had Bradshaw also gone to Mr. Malloy's brother and talked to him? Do you think Bradshaw had gone to Bobby and the rest of them?

Mr. MUNLEY. I don't know.

Senator MUNDT. None of them ever said why they were interested in dynamiting?

Mr. MUNLEY. No, they never told me.

Senator MUNDT. When you met that first time and worked out the plan, whose plan was it? Who had the idea? Was that Mr. Bradshaw? Was that you? Was that Mr. Malloy? Who was it?

Mr. MUNLEY. Well, like I said, I stated before that Paul Bradshaw had asked me to go.

Senator MUNDT. That is right.

Mr. MUNLEY. Well, I knew he worked around the coal mines, he said he did, and I didn't think any of the rest of them would know how to use the dynamite, or they wouldn't know what to get, a plunger or wire. They wouldn't know the difference. I don't imagine they asked me.

Senator MUNDT. Did you volunteer, then, to get the dynamite, and say "Look, I have had some experience in this. I will take care of it, and everybody else get in the car."

Mr. MUNLEY. I didn't get what you just said to me.

Senator MUNDT. Did you volunteer, then, to do the dynamiting?

Mr. MUNLEY. Yes, sir.

Senator MUNDT. You volunteered?

Mr. MUNLEY. Yes.

The CHAIRMAN. I have just 1 or 2 questions.

How long has it been since you were released from prison?

Mr. MUNLEY. I was released from prison December 21.

The CHAIRMAN. Last year?

Mr. MUNLEY. Last year.

The CHAIRMAN. Where are you now employed?

Mr. MUNLEY. I am a truck driver. I drive truck for Jerry Torry. He is my father-in-law.

The CHAIRMAN. Did you have to get your job through the union, through the union steward, or union business manager?

Mr. MUNLEY. No, sir.

The CHAIRMAN. You are a member of the union?

Mr. MUNLEY. No; I am not. I haven't been paying dues.

The CHAIRMAN. Sir?

Mr. MUNLEY. I say I am not a member of the union at the present time.

The CHAIRMAN. You have not joined the union or rejoined the union since you got out of prison?

Mr. MUNLEY. No, sir.

The CHAIRMAN. I was interested to know if you were a member of the union and able to work. Mr. Kollra, who is a member, who

has kept his dues paid up, was denied work, after this instance had occurred.

Mr. MUNLEY. I wasn't working at the time Mr. Kollra was working. It was right after the incident.

The CHAIRMAN. You were not working at the time that you blew up the house; is that right?

Mr. MUNLEY. That is right.

The CHAIRMAN. Any further questions?

Senator MUNDT. I am just wondering, Mr. Munley. You cooked up this proposition, you say, at the bar. You boys were doing a little drinking that night; were you? Is that why your mind is a little hazy about what happened; maybe?

Mr. MUNLEY. No; I wouldn't say that.

Senator MUNDT. It was just a nice convenient place to lean on when you were making the plans, but you were not doing any drinking? You were leaning on the bar and discussing it casually; is that what you want us to believe?

Mr. MUNLEY. I don't want you to believe anything. I am telling you——

Senator MUNDT. You want us to believe the truth, and I am trying to get the truth from you.

Mr. MUNLEY. I gave you the truth; I told you that I was asked to go, and I went. I had no reason. No one ever asked me to go but him.

The CHAIRMAN. Do you have a family?

Mr. MUNLEY. Yes, sir.

The CHAIRMAN. During the 9 months you were in prison, did you receive any money from the union?

Mr. MUNLEY. No; I did not.

The CHAIRMAN. Did your family?

Mr. MUNLEY. No, sir.

The CHAIRMAN. Did you receive any money that was made up for you from union members?

Mr. MUNLEY. No, sir.

The CHAIRMAN. That is, to help your family live during that time?

Mr. MUNLEY. No, sir.

The CHAIRMAN. There was never any arrangement made like that?

Mr. MUNLEY. No, sir; not that I know of.

The CHAIRMAN. You received no money?

Mr. MUNLEY. No, sir.

The CHAIRMAN. Are there any other questions?

Senator MUNDT. I have one other question, Mr. Chairman.

I want to read you a statement you are alleged to have made. I want you to think about this one pretty carefully, Mr. Munley, because this is one that can be corroborated from several other witnesses, so I want you to be sure to tell us the truth.

This is the statement: your statement. You stated that Bob Malloy, John Durkin, Joseph McHugh—do you know those three men?

Mr. MUNLEY. Yes, sir.

Senator MUNDT. That they, after meeting at the Windmill—do you know where the Windmill is?

Mr. MUNLEY. Yes.

Senator MUNDT. After they had a meeting in Scranton at the Windmill, that they told you if Bradshaw should break down and tell the

complete story involving everyone, you were told by the union leaders to deny everything. Did that happen or did it not happen?

Mr. MUNLEY. Is that what happened—

Senator MUNDT. That is what you said.

Mr. MUNLEY. Is that the statement from the tape recording?

Senator MUNDT. That is a statement that you made on the tape recording.

Mr. MUNLEY. I made that statement, but it is untrue, what I had said at the apartment.

Senator MUNDT. In other words, this statement that you made on the tape, you say, is untrue?

Mr. MUNLEY. Yes, sir.

Senator MUNDT. Then why would you make it?

Mr. MUNLEY. Like I told you, or like I explained, we talked about this months before I went down there, and these things were brought up before. So when I did go down, naturally it was all in the same field, so I said the same thing.

Senator MUNDT. But this does not quite square with what you were telling us before. You were telling us that you were going down here to Helen Canfield's house to sort of placate her and Bradshaw and make him feel that he wasn't as badly involved because he was simply sitting in the car, that you had said that. Now you are implying that he is going to rat on the rest of them, he is going to squeal. You are saying if Bradshaw should break down and tell, if he is a weakling, if he turns state's evidence, that you were told that you were to deny everything, because it would square pretty well with the admission to sort of build up Bradshaw's morale.

Mr. MUNLEY. If I made that statement, it is untrue, what I said, like you just read to me.

Senator MUNDT. Then why did you make it?

Mr. MUNLEY. Like I said before, I was briefed over this months before I went down.

Senator MUNDT. Briefed by whom?

Mr. MUNLEY. By Bradshaw.

Senator MUNDT. Do you mean Bradshaw had told you to go down and say that he might be a rat?

Mr. MUNLEY. You don't think I would go down and tell that she was leaving him. I wouldn't care if she was with him or leaving him. Where would I hear that from if he didn't tell me that?

Senator MUNDT. That is not involved in what I am talking about. I am wondering why Bradshaw would tell you to go down and tell his girl whether he might be a rat and squeal on the rest of them.

Mr. MUNLEY. Like I say, we had talked about this before I went down there; different things. That was one of them.

Senator MUNDT. And Bradshaw had briefed you on what to say. That is what you told us; is that right?

Mr. MUNLEY. Yes, sir.

Senator MUNDT. Why would Bradshaw want you to imply that he was going to turn on the rest of you?

Mr. MUNLEY. I don't know. I couldn't answer that.

Senator MUNDT. It does not make much sense when you hear it; does it?

Mr. MUNLEY. Well, there is a lot of things that he said or did that didn't make sense to me, but whatever he said was all right, as far as I was concerned, as long as he got away from me.

The CHAIRMAN. I have one other question.

I asked you if, while you were in prison, you received any money from the unions or from any contributions made by members of unions to take care of your family, and you stated under oath that you did not.

Mr. MUNLEY. That is true.

The CHAIRMAN. After you were released from prison, did you receive any such contributions or assistance?

Mr. MUNLEY. No, sir.

The CHAIRMAN. Either directly or indirectly?

Mr. MUNLEY. No, sir.

The CHAIRMAN. Any other questions?

Senator GOLDWATER. Have you tried to rejoin the union since you came back home?

Mr. MUNLEY. No; I have not.

Senator GOLDWATER. Did you actually lose your card in the union, or did you just stop paying dues?

Mr. MUNLEY. I just stopped paying dues.

Senator GOLDWATER. So you would not have to apply again; you would just have to start paying dues again; is that correct?

Mr. MUNLEY. No.

Senator GOLDWATER. You would have to apply all over again?

Mr. MUNLEY. I would have to be reinstated.

Senator GOLDWATER. Do you have any intention of trying to get back in?

Mr. MUNLEY. The job I am on, I don't need a book for it, a union book.

Senator GOLDWATER. That is all.

Senator McNAMARA. Has there been a great deal of unemployment in the teamsters' organizations in Scranton? I ask you the question on the basis of testimony that was given by a lady here previously that her husband could not get a job.

Mr. MUNLEY. I don't know, sir. Talk to him.

Senator McNAMARA. When you were a member of the union, were all of the members pretty well working, or was there unemployment? Just what are the conditions, generally, in Scranton. Are a lot of people out of work?

Mr. MUNLEY. Well, yes; there is at the present time, because there isn't many jobs open.

Senator McNAMARA. And, at the time of the dynamiting, you were unemployed; were there many unemployed then that were members of the union?

Mr. MUNLEY. I wouldn't know.

Senator McNAMARA. Were you unemployed because of not getting along with the union officials, or were you unemployed because there was no work, generally? Or do you know?

Mr. MUNLEY. No; I don't know why I wasn't employed at that time.

Senator McNAMARA. You got out of work on some occasion. Was it because the job finished?

Mr. MUNLEY. Yes. It was the completion of the job; yes.

Senator McNAMARA. Then, in the normal course of events, it did not seem to be that you were taken off by the union officials or anything like that?

Mr. MUNLEY. No.

Senator McNAMARA. You were unemployed because of lack of employment in the area in your line?

Mr. MUNLEY. Well, there was work.

Senator McNAMARA. But not for you?

Mr. MUNLEY. Well, I just more or less—maybe they overlooked me. I wouldn't say overlooked me. Well, there is more than I in the union. Like, if I went down, maybe I would have got hired.

Senator McNAMARA. You mean you did not try, go to the hall or office, or whatever it was?

Mr. MUNLEY. No.

The CHAIRMAN. You may be excused for the present.

Call the next witness.

Mr. KENNEDY. Mr. Robert Hubshman.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HUBSHMAN. I do.

TESTIMONY OF ROBERT HUBSHMAN, ACCOMPANIED BY COUNSEL, JAMES G. COLLERAN

The CHAIRMAN. State your name, your place of residence, your business or occupation, please.

(The witness conferred with his counsel.)

Mr. HUBSHMAN. My name is Robert Hubshman. I live in Silver Springs, right now, temporarily, but I am from Scranton, 826 Orchard Street. I have a statement to read to the committee at this time, with your permission.

The CHAIRMAN. Mr. Counsel, has the statement been submitted by this witness under the rules?

Mr. KENNEDY. No; it has not, Mr. Chairman. I have discussed the fact that there was going to be a statement with the attorney, and I understood that the statement was going to be read in answer to questions, but maybe I misunderstood him. I said, if he had an answer to a question, that he would not have to submit that in advance. If he had a statement that he was going to read before the hearings started, he would have to submit it in advance.

The CHAIRMAN. Well, what is your occupation? I do not believe you answered that.

(The witness conferred with his counsel.)

Mr. HUBSHMAN. I must refuse to answer the question on the grounds that it may tend to incriminate me.

The CHAIRMAN. Is that the statement you want to read?

(The witness conferred with his counsel.)

The CHAIRMAN. I am trying to find out.

Mr. HUBSHMAN. That is the statement.

The CHAIRMAN. That is the statement you wanted to read. Well, you will be privileged to read that as often as you find it necessary. You are refusing to tell the committee, are you, your occupation?

Mr. HUBSHMAN. I must refuse to answer the question on the grounds that it may tend to incriminate me.

The CHAIRMAN. You are in some kind of criminal activity; is that the reason you refuse to answer?

Mr. HUBSHMAN. I must refuse to answer the question on the grounds it may tend to incriminate me.

The CHAIRMAN. Do you honestly believe that, if you answered that question truthfully, a truthful answer to it might tend to incriminate you, and do you so swear under your oath?

Mr. HUBSHMAN. I must refuse to answer on the grounds that it may tend to incriminate me.

The CHAIRMAN. Without objection, the Chair will order and direct you to answer that question.

Mr. HUBSHMAN. I must refuse to answer on the grounds that it may tend to incriminate me.

The CHAIRMAN. Bear in mind, the question is: What is your present occupation?

Mr. HUBSHMAN. I must refuse to answer, because it may tend to incriminate me.

The CHAIRMAN. Just a moment now. At the proper time you must state your answer. I wanted you to understand the question.

The Chair is going to ask it again. It is just a simple question. What is now your present occupation? I am asking you that question because I think we are entitled to know that, unless you want to invoke the fifth amendment.

(The witness conferred with his counsel.)

Mr. HUBSHMAN. I am under indictment in Lackawanna County and awaiting trial, and must refuse to answer the questions on the ground that they may tend to incriminate me.

The CHAIRMAN. Let the Chair ask you this question again. Do you state under your oath that you honestly believe that if you gave a truthful answer to that question that a truthful answer might tend to incriminate you?

Mr. HUBSHMAN. I must refuse to answer on the grounds that it may tend to incriminate me.

The CHAIRMAN. With the permission of the other members of the committee present, the Chair is going to order and direct you to answer that question.

Mr. HUBSHMAN. I must refuse to answer on the grounds that it may tend to incriminate me.

The CHAIRMAN. I may say this to you, sir: I do not believe any witness can invoke the fifth amendment capriciously.

I think whenever he does so, that he must do it in good faith. Unless you are willing to state under your oath that you honestly believe a truthful answer if given would tend to incriminate you, then I have no other alternative, this committee has no other alternative, according to my concept of its responsibilities, except to order and direct you to answer the question.

Mr. HUBSHMAN. I must refuse to answer on the grounds that it may tend to incriminate me.

The CHAIRMAN. You have counsel present.

You began invoking the fifth amendment before I could extend him the courtesy of letting him identify himself for the record. So we will

permit him to do so. I believe he appeared for another witness this morning. He may again identify himself for the record.

Let the record show that counsel has been advising the witness. The witness has been consulting with him regarding his legal rights at this point.

MR. COLLERAN. I am James G. Colleran, an attorney, practicing in Scranton, Pa.

(At this point Senator Goldwater withdrew from the hearing room.)

SENATOR MUNDT. Mr. Hubshman, are you aware of the fact that if you take the fifth amendment, as you now have, in answer to the chairman's question as to your occupation, and it subsequently develops that you are in an occupation in which there is no criminal relationship, you then stand in jeopardy of being cited for contempt of Congress for making a privileged use of the fifth amendment? You know whether you are engaged in bootlegging, counterfeiting, or conspiracy. I do not. But if it should develop upon investigation that you are in a legitimate occupation, and then you take the fifth amendment capriciously and frivolously you put us in a position where we may have to consider a citation for contempt of Congress because of your refusal to cooperate in a legitimate area of cooperation.

(The witness conferred with his counsel.)

MR. HUBSHMAN. I am under indictment in the criminal court in Lackawanna County, Scranton, Pa., and awaiting trial, and I must refuse to answer on the grounds that it may tend to incriminate me.

THE CHAIRMAN. What is the nature of the indictment? What offense are you charged with?

(The witness conferred with his counsel.)

THE CHAIRMAN. We can get that from the record if the witness does not answer.

Do you know, Mr. Counsel, what the offense is?

MR. KENNEDY. I believe it is for being mixed up in pushing the wall over on the Denny job.

Is that not correct?

MR. HUBSHMAN. I refuse to answer on the grounds that it may tend to incriminate me.

THE CHAIRMAN. That is a public record. I will not order you to answer that question, but the order still stands and I still direct you to answer the other question as to your occupation, whether you honestly believe and will state under oath, whether you will state under oath that you honestly believe that if you gave a truthful answer, that the truthful answer might tend to incriminate you. You remain under the order and direction of the Chair, with the approval of the committee, to answer that question.

If you want to leave it that way, you have counsel, and I presume is advising you as to your legal rights, what he thinks they are.

The Chair is not going to argue the question about whether you might be guilty of contempt or not. I would not want to usurp your counsel's judgment in the matter, because you are probably paying him for the advice. I will let you take his advice as you choose to do.

All right, Mr. Counsel.

MR. KENNEDY. Mr. Chairman, I do not intend to ask Mr. Hubshman about the matter about which he is under indictment at the present time, but there has been a considerable amount of testimony about various other activities of Mr. Hubshman in Scranton.

I would like to ask some questions about that which do not involve the pushing over of the wall of the Denny job.

The CHAIRMAN. Since he is under indictment for that offense, since he has invoked the fifth amendment on the question of his occupation and also as to whether he thought a truthful answer to that question would tend to incriminate him, I will ask counsel, and I trust other members of the committee will agree with me, to ask him no questions regarding the incident or the act for which he has been indicted.

You may proceed with anything else within the witness' knowledge.

Senator ERVIN. Mr. Chairman, I presume that the indictment that has been returned against him is for an offense alleged to have been committed in times past. Consequently, I am at a total loss to comprehend how his disclosure of his occupation at this time would have any tendency to incriminate him on the commission of an alleged offense which has already been consummated. I think on that basis he is trifling with the committee.

The CHAIRMAN. The committee will take that into account at the conclusion of the witness' appearance on the stand. The Chair will make some announcement about it. But I want to proceed with the other questions, if we can, and try to expedite this.

Proceed, Mr. Counsel.

(At this point, Senator Mundt withdrew from the hearing room.)

Mr. KENNEDY. Some of the testimony we have had, Mr. Chairman, involved the Sonny-Boy Bakery at Scranton, Pa., and the difficulties they had with the teamsters union. We have had some testimony that Mr. Hubshman threw a stink bomb into the Sonny-Boy Bakery.

Could you tell us about that, if that is true, Mr. Hubshman?

Mr. HUBSHMAN. I must refuse to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. You are not under indictment for that offense, and it is a number of years ago. Would you tell the committee whether you had anything to do with the force and violence that was used in that strike?

Mr. HUBSHMAN. I must refuse to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. Did you receive any instructions from the union officials to throw the stink bomb into the Sonny-Boy Bakery window?

Mr. HUBSHMAN. I must refuse to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. It has also been testified that on occasion you used force and violence or beat people up, the union members that would not go along with the union officials. Did you ever receive any instructions from any union officials to beat anybody up who were agitators?

Mr. HUBSHMAN. I must refuse to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. Did you specifically on the instructions of Bob Malloy beat a member of your union up?

Mr. HUBSHMAN. I must refuse to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. It has also been testified that you were involved in the rigging of elections, and that you distributed some of these books

of receipts to members of the union so that they could vote a number of different times. Did you do that?

Mr. HUBSHMAN. I must refuse to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. Did you hand books of receipts around so that the union members could vote 5 or 6 times for those in whom you were interested?

Mr. HUBSHMAN. I must refuse to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. We also received some testimony that you had some kerosene and that you and Paul Bradshaw were prepared to pour kerosene on eggs and poultry of people who would not join the union. Were you involved in anything like that?

Mr. HUBSHMAN. I must refuse to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. Did you receive any instructions from any union officials to pour kerosene on eggs, butter, and poultry, if the driver would not join the union?

Mr. HUBSHMAN. I must refuse to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. It has also been testified, Mr. Chairman, that on a construction project in October 1953, called the Ryan construction project, where there was about seven and a half miles of road being built, that Mr. Hubshman and other stopped some trucks on a small bridge and pulled the wires of the truck out.

Is that true, Mr. Hubshman?

Mr. HUBSHMAN. I must refuse to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. And that after that you did further damage to the engine of the trucks. Did you do anything like that?

Mr. HUBSHMAN. I must refuse to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. And that on that occasion and on other occasions, there was difficulty being caused union officials by certain companies, that you let the air out of the tires of the trucks and that you pulled the coupling over so that the trailer and truck would separate.

Did you do anything like that?

Mr. HUBSHMAN. I must refuse to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. Would you tell us your part in the dynamiting of the home in Scranton, Pa., in 1954?

Mr. HUBSHMAN. I must refuse to answer on the grounds that it may tend to incriminate me.

The CHAIRMAN. You were convicted for that offense, were you not?

Mr. HUBSHMAN. I must refuse to answer on the grounds that it may tend to incriminate me.

The CHAIRMAN. Do you think you would be incriminated by admitting that you were convicted of dynamiting a house?

Mr. HUBSHMAN. I must refuse to answer on the grounds that it may tend to incriminate me.

The CHAIRMAN. Do you have any respect for the union?

Mr. HUBSHMAN. I must refuse to answer on the grounds that it may tend to incriminate me.

The CHAIRMAN. Do you have any respect for your fellow man, for his rights?

Mr. HUBSHMAN. I must refuse to answer on the grounds that it may tend to incriminate me.

The CHAIRMAN. Do you regard yourself as a decent citizen?

Mr. HUBSHMAN. I must refuse to answer on the grounds that it may tend to incriminate me.

The CHAIRMAN. Could you speak anything except what you are reading there?

Mr. HUBSHMAN. I must refuse to answer on the grounds that it may tend to incriminate me.

The CHAIRMAN. I am beginning to agree with you, sir. I think you could not speak the truth without incriminating yourself. I agree with you.

If you want to leave the record that way, let the world know that that is the kind of a man you are, you are welcome to do it.

Are there any other questions?

Senator ERVIN. Mr. Chairman, it is quite obvious that if this witness was tried and convicted or was tried and confessed to guilt in connection with the dynamiting of the Ruby house, that anything that he might say about that matter could not incriminate him, because the Constitution prohibits double jeopardy.

Therefore, I suggest that we ask him questions about that, because he cannot possibly plead the fifth amendment in good faith as to that. Let us see what he has to say about that.

The CHAIRMAN. All right, Senator Ervin. You may proceed to interrogate.

Senator ERVIN. Were you tried and convicted in connection with the dynamiting of the Ruby house for a criminal offense?

Mr. HUBSHMAN. I must refuse to answer on the grounds that it may tend to incriminate me.

Senator ERVIN. I will ask you, as a matter of fact, if you were not tried and convicted in 1955 for a criminal offense for complicity in dynamiting the Ruby home, in or near Scranton, Pa.?

Mr. HUBSHMAN. I must refuse to answer on the grounds that it may tend to incriminate me.

Senator ERVIN. I will ask you another question and make the thing specific, if you were not charged with a criminal offense in the courts of Pennsylvania in connection with the dynamiting of the Ruby home on or about May 1, 1954, and if you did not appear in court in person and, by counsel, enter a plea of guilty to the charge, and if you were not thereafter sentenced by the court on your plea of guilty to such charge?

Mr. HUBSHMAN. I must refuse to answer on the grounds that it may tend to incriminate me.

Senator ERVIN. Mr. Chairman, I request that the Chairman order the witness to answer that question.

The CHAIRMAN. With the approval of the committee, the Chair orders and directs you to answer the question.

Mr. HUBSHMAN. I must refuse to answer on the grounds that it may tend to incriminate me.

Senator ERVIN. As a matter of fact, did you not confess to that crime on June 3, 1955?

Mr. HUBSHMAN. I must refuse to answer on the grounds that it may tend to incriminate me.

Senator ERVIN. That is all, Mr. Chairman.

The CHAIRMAN. Are you a member of the union now?

Mr. HUBSHMAN. I must refuse to answer on the grounds that it may tend to incriminate me.

The CHAIRMAN. Have you ever been a member of the union?

Mr. HUBSHMAN. I must refuse to answer on the grounds that it may tend to incriminate me.

The CHAIRMAN. If being a member of the union could incriminate you, God save this country.

Are there any other questions?

The witness may stand aside.

The Chair will instruct the staff to prepare the necessary proceeding for contempt.

The committee will stand in recess until 2 o'clock.

(Members present at the taking of the recess: Senators McClellan, Ervin, and McNamara.)

(Whereupon, at 12:12 p. m., the committee recessed, to reconvene at 2 p. m., the same day.)

AFTERNOON SESSION

(The hearing resumed at 2 p. m., Senator John L. McClellan, chairman, presiding.)

The CHAIRMAN. The committee will be in order.

(Members present at the convening of the session: Senators McClellan, Ives, and Kennedy.)

The CHAIRMAN. Mr. Joseph Malloy come around, please.

You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. MALLOY. I do.

TESTIMONY OF JOSEPH MALLOY, ACCOMPANIED BY HIS COUNSEL, JAMES G. COLLERAN

The CHAIRMAN. State your name and place of residence and your business or occupation, please, sir.

Mr. MALLOY. My name is Joseph Malloy. I live at Scranton, Pa., 1007 Ridge Road.

The CHAIRMAN. What is your occupation, please, sir?

Mr. MALLOY. At this time I would like to make a short statement, concerning the fifth amendment, with the permission of the committee.

The CHAIRMAN. Are you refusing to tell the committee your occupation?

Mr. MALLOY. At this time I would like to make a short statement, sir.

The CHAIRMAN. The Chair is not going to permit you to make any statement unless you want to take the fifth amendment. If that is what you mean, start now.

(The witness conferred with his counsel.)

Mr. MALLOY. I, Joseph P. Malloy, hereby state that I am under indictment in the criminal courts of Lackawanna County for a crime allegedly arising out of union activities and have been informed that the trial will be held in Scranton in May of 1957.

Because of this indictment and forthcoming trial, I object and protest to any questioning by this committee at this time concerning my union activities.

I have been advised by counsel of my constitutional rights and I intend to take advantage of those rights at this hearing.

The CHAIRMAN. Your objection to testifying before this committee is overruled. You have counsel present and counsel will identify himself for the record.

Mr. COLLERAN. I am James G. Colleran, attorney, practicing in Scranton, Pa.

The CHAIRMAN. The Chair will ask you, What is your present occupation?

Mr. MALLOY. I refuse to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Do you honestly believe that if you gave a truthful answer to the question, What is your occupation? that a truthful answer might tend to incriminate you?

Mr. MALLOY. I must refuse to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Do you honestly believe that if you answered the question truthfully under oath, that a truthful answer to the question might tend to incriminate you?

Mr. MALLOY. I must refuse to answer on the ground it may tend to incriminate me.

The CHAIRMAN. With the approval of the committee, the Chair orders and directs you to answer the question as to what is your present occupation.

Mr. MALLOY. I must refuse to answer on the ground it may tend to incriminate me.

The CHAIRMAN. That order and direction will continue during the course of your entire interrogation and until you leave the witness stand.

All right, Mr. Counsel.

Mr. KENNEDY. Mr. Chairman, Mr. Malloy is under indictment for pushing the wall over at the Denny home, but there has been other testimony regarding his activities in the union, including stacking a union election and voting twice himself.

Those are the questions that I would like to ask him about today and not get into the question about which he is under indictment.

The CHAIRMAN. Ask him no question about anything involving the offense for which he is charged, but interrogate him regarding any other activity in connection with the union and his own conduct there associated with it.

Mr. KENNEDY. Mr. Chairman, there has been testimony in the last day that during the election of officers of the teamsters local 229, that Joe Malloy voted more than once. I would like to ask him if he did, in December of 1954 during that election, if he voted more than once.

Mr. MALLOY. I must refuse to answer on the ground it may tend to incriminate me.

MR. KENNEDY. Did you vote more than once on the instructions of Mr. Bob Malloy?

MR. MALLOY. I refuse to answer on the ground it may tend to incriminate me.

THE CHAIRMAN. Is Bob Malloy your brother?

(The witness conferred with his counsel.)

MR. MALLOY. Yes, sir.

THE CHAIRMAN. That does not incriminate you. We are glad we received one answer.

MR. KENNEDY. Did he give you the instructions to vote more than once?

MR. MALLOY. I must refuse to answer on the ground it may tend to incriminate me.

MR. KENNEDY. Did you secure extra receipts from various business agents of the teamsters and hand them around to people in order for them to vote more than once?

MR. MALLOY. I refuse to answer on the ground it may tend to incriminate me.

THE CHAIRMAN. Is it a crime in the union to vote more than once, do you know?

MR. MALLOY. I must refuse to answer on the ground it may tend to incriminate me.

THE CHAIRMAN. Is that a common practice and approved of?

MR. MALLOY. I must refuse to answer on the ground it may tend to incriminate me.

THE CHAIRMAN. You would not want to help clean this mess, would you?

MR. MALLOY. I must refuse to answer on the ground it may tend to incriminate me.

THE CHAIRMAN. Proceed.

MR. KENNEDY. We also have had testimony, Mr. Chairman, that Mr. Malloy participated in the goon activities in the Ryan job.

THE CHAIRMAN. Ask him about it.

MR. KENNEDY. Were you told by Joseph Bartell and Philip Brady to sabotage trucks that were trying to bring goods into the Ryan job that was being done outside of Scranton?

MR. MALLOY. I must refuse to answer on the ground it may tend to incriminate me.

MR. KENNEDY. Were you told to sabotage those trucks even though an injunction had been issued by the courts to preclude such activity?

MR. MALLOY. I must refuse to answer on the ground it may tend to incriminate me.

MR. KENNEDY. Were you given any instructions regarding your activities in this Ryan job by Joseph Bartell and Phil Brady?

MR. MALLOY. I refuse to answer on the ground it may tend to incriminate me.

MR. KENNEDY. Now, Mr. Chairman, we also have information that Mr. Malloy on the occasion of the Ryan job and also on other occasions sabotaged trucks by letting the air out of their tires and also by separating the truck from the trailer. I would like to ask him about those.

THE CHAIRMAN. Ask him and let us see if he did. I do not think he is willing to tell the truth about it. We will try.

Mr. KENNEDY. Mr. Malloy, did you on any occasion, where your union was having an argument with any nonunion trucker, or any trucker that belonged to a different union, did you let the air out of any of the tires of those trucks?

Mr. MALLOY. I must refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Did you on any of those occasions separate the truck from the trailer by releasing the fifth wheel?

Mr. MALLOY. I must refuse to answer that on the ground it may tend to incriminate me.

Mr. KENNEDY. We also have information, Mr. Chairman, that Mr. Malloy received some kerosene that he was instructed to pour on the eggs and poultry of one of the shippers who was not conforming with the union with the desires of certain of the union officials.

The CHAIRMAN. Ask him about it.

Mr. KENNEDY. When you were having difficulty with the El Rancho Dairy, did you take some kerosene out to pour on the milk and poultry and eggs of that company?

Mr. MALLOY. I must refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Did you receive instructions from your business agent of the teamsters to pour the kerosene if they would not conform?

Mr. MALLOY. I must refuse to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Are you a member of the union?

Mr. MALLOY. I must refuse to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Is it that bad? Is it that bad that you might incriminate yourself just simply to answer whether you are a member of the union?

(The witness conferred with his counsel.)

Mr. MALLOY. I must refuse to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Are you an officer in the union?

Mr. MALLOY. I must refuse to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Is your brother an officer in the union?

Mr. MALLOY. I must refuse to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Do you want the people to think, those who hear you testify, that it might incriminate you to state truthfully whether or no your brother is an officer in the union?

Mr. MALLOY. I must refuse to answer that on the ground it may tend to incriminate me.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Mr. Malloy, you also took part in the dynamiting of the Ruby house or the Ruby job; is that correct?

Mr. MALLOY. I must refuse to answer on the ground that it may tend to incriminate me.

Mr. KENNEDY. Were you not convicted for that offense?

Mr. MALLOY. I must refuse to answer on the ground that it may tend to incriminate me.

Mr. KENNEDY. Didn't you confess at that time that you had taken part in it?

Mr. MALLOY. I must refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Did you receive instructions from your higher union officials to go over to the Ruby house and push in the wall and cut some of the joists?

Mr. MALLOY. I must refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Did you receive those instructions from Joe McHugh and from Joe Bartell?

Mr. MALLOY. I must refuse to answer on the ground it may tend to incriminate me.

The CHAIRMAN. The signal you hear is for a rollcall and, therefore, we have to suspend until the members of the committee can go and vote. We will stand in recess until we return from the vote.

(Brief recess.)

(Members present after the recess were Senators McClellan and Goldwater.)

The CHAIRMAN. Proceed, Mr. Counsel.

Mr. KENNEDY. I have just a few more questions. Mr. Malloy, on the bombing of the Ruby home, had you received instructions to do that or for performing that act from any of the teamsters officials?

Mr. MALLOY. I refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Would you give the committee any information as to why you bombed or put dynamite under the Ruby home?

Mr. MALLOY. I must refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. That is not in your present indictment at all and it has nothing to do with it and we are trying to find out information about it. Would you give the committee any information on that?

Mr. MALLOY. I must refuse to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. And nothing about the rigged elections or any of that information. You would not give us any of that information?

Mr. MALLOY. I must refuse to answer, sir, on the ground it may tend to incriminate me.

Mr. KENNEDY. That is all, Mr. Chairman.

The CHAIRMAN. The witness may stand aside.

Call the next witness.

Mr. KENNEDY. Mr. George Murphy.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate Select Committee shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. MURPHY. I do.

TESTIMONY OF GEORGE MURPHY, ACCOMPANIED BY HIS COUNSEL, JAMES G. COLLERAN

The CHAIRMAN. State your name and your place of residence and your business or occupation.

Mr. MURPHY. George J. Murphy, 629 Stafford Avenue, Scranton, Pa., and I would like to make a short statement or read a short statement regarding the fifth amendment.

The CHAIRMAN. Concerning the fifth amendment?

Mr. MURPHY. Yes.

The CHAIRMAN. All right, you may make it.

Mr. MURPHY. I, George J. Murphy, hereby state that I am under indictment in a criminal court of Lackawanna County at Scranton, Pa., for a crime allegedly arising out of union activities, and have been informed that the trial will be held in Scranton in May of 1957.

Because of this indictment and forthcoming trial, I object and protest to any questioning by this committee at this time concerning my union activities.

I have been advised by counsel of my constitutional rights and I intend to take advantage of those rights at this time.

The CHAIRMAN. The objection to testifying is overruled, but the counsel will ask you no questions regarding the matter for which you are indicted. And so if you will make that clear, what are you indicted for?

(The witness conferred with his counsel.)

Mr. MURPHY. I refuse to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. You said that you were indicted and I think I have a right to ask you what you are indicted for. You opened it up and I did not.

(The witness conferred with his counsel.)

Mr. MURPHY. The charge is malicious mischief.

The CHAIRMAN. Is that in connection with some union activities?

Mr. MURPHY. I refuse to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. Did you not just state that a minute ago? In the statement you read? Read it again and let us see if it is not in there.

(The witness conferred with his counsel.)

Mr. MURPHY. I, George Murphy, hereby state that I am under indictment in the criminal court in Lackawanna County, Scranton, Pa., for a crime allegedly arising out of union activities, and have been informed that the—

The CHAIRMAN. That is sufficient. That is all I wanted to know. I asked you if you were indicted for an offense arising out of union activities in connection with the union. Is that true or false?

Mr. MURPHY. I refuse to answer that question on the ground that it may tend to incriminate me.

The CHAIRMAN. You have just read a statement to that effect. Are you making that statement under oath? The statement that you just read, are you making it under oath?

(The witness conferred with his counsel.)

Mr. MURPHY. I have been sworn and I have made the statement.

The CHAIRMAN. Under oath? Under the oath you took here you are making the statement that you are indicated for malicious mischief, is it?

What is the offense you read there?

(The witness conferred with his counsel.)

Mr. MURPHY. Malicious mischief.

The CHAIRMAN. In connection with union activities, is that correct?

Mr. MURPHY. Allegedly.

The CHAIRMAN. Allegedly? Well, you are indicted for it. An indictment, of course, alleges that you did it. I am not asking you whether you did it or not. I am just trying to get the record clear as to what you are indicted for, so that we can possibly avoid questioning you about the matter for which you are charged as a criminal offense. If you will identify the incident alleged in the indictment we will try to avoid asking you questions about it. What is it in connection with, Mr. Counsel?

Mr. KENNEDY. It is in connection with the pushing over of the wall in the Denny job.

The CHAIRMAN. Is that what you are indicted for?

(The witness conferred with his counsel.)

The CHAIRMAN. You are alleged to have done that?

Mr. MURPHY. I refuse to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. Well, the indictment speaks for itself and I think we all know you are indicted for it. Proceed and interrogate him, Mr. Counsel.

Mr. KENNEDY. Mr. Chairman, there are allegations regarding other activities of Mr. Murphy that have been made before the committee and I will ask the questions about some of these other matters.

The CHAIRMAN. Witnesses have testified here to other acts and conduct of yours and counsel will interrogate you about those acts that have been testified to here by other witnesses.

Mr. KENNEDY. I do not intend to go into the matters under which he is under indictment.

The CHAIRMAN. That is why I wanted to identify what he is indicted for.

Mr. KENNEDY. One of the matters that we had testimony on is the fact that Mr. Murphy participated in rigged elections and that he himself voted more than once and in fact, voted 4 or 5 or 6 times. I would like to ask you, Mr. Murphy, if that is true, that in the union election of 1954 you voted 5 or 6 or 7 times?

Mr. MURPHY. I refuse to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. Mr. Murphy, you would not do a thing like that, would you? Can't you say no, you did not?

Mr. MURPHY. I refuse to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. Well, it might. Proceed.

Mr. KENNEDY. Did you participate in any other way in rigged elections, rigging the election for your friends?

Mr. MURPHY. I refuse to answer that question on the ground that it may tend to incriminate me.

Mr. KENNEDY. Specifically, Mr. Murphy, did you hand out receipts, extra receipts, that you had to your friends so that they could vote more than once?

Mr. MURPHY. I refuse to answer that question on the ground that it may tend to incriminate me.

Mr. KENNEDY. Prior to the time that a motion was going to be considered in the union hall, were you instructed by the union officials

to line up a group of your friends to come into the union hall and vote for the measure?

Mr. MURPHY. I refuse to answer that question on the ground that it may tend to incriminate me.

Mr. KENNEDY. Mr. Chairman, we have had testimony to this effect, and also to the effect that Mr. Murphy participated in the sabotage of trucks of nonunion contractors.

The CHAIRMAN. Let me ask him another question or two. Mr. Murphy, you do not believe in crooked elections, do you? You would not be a party, would you, to a crooked election?

Mr. MURPHY. I refuse to answer that question on the ground that it may tend to incriminate me.

The CHAIRMAN. Maybe it would. I do not know. I just want to see if you wanted to deny that you would. You do not want to deny it?

Mr. MURPHY. I refuse to answer that question on the ground that it may tend to incriminate me.

The CHAIRMAN. Proceed, Mr. Counsel.

Mr. KENNEDY. Mr. Chairman, we have had some information that Mr. Murphy took part in the sabotaging of certain trucks specifically, that on occasion he let the air out of the tires of trucks of nonunion contractors. Could you tell us anything about that?

Mr. MURPHY. I refuse to answer that question on the ground it may tend to incriminate.

The CHAIRMAN. Are we to assume when you refuse to answer that it is simply so absurd that you would be accused of a thing like that that you do not want to dignify it by an answer?

Mr. MURPHY. I refuse to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. You are refusing to answer because it may dignify it? Do you want to dignify it in that fashion by refusing to answer?

Mr. MURPHY. I refuse to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. Proceed.

(At this point Senator Kennedy entered the hearing room.)

Mr. KENNEDY. Did you ever participate in the loosening of the coupling between the truck and the trailer so that when the truck pulled away the trailer would fall down on the ground? Did you ever do anything like that?

Mr. MURPHY. I refuse to answer that question on the ground it may tend to incriminate me.

Mr. KENNEDY. Did you receive any instructions from any of the union officials, teamsters union officials to participate in that sort of activity?

Mr. MURPHY. I refuse to answer that question on the ground it may tend to incriminate me.

Mr. KENNEDY. Specifically, when the Ryan job was being done on the construction of the road, did you participate in the sabotage of two of their trucks, namely letting the air out of the tires and pulling the wires out of the engine?

Mr. MURPHY. I refuse to answer that question on the ground it may tend to incriminate me.

Mr. KENNEDY. We have had testimony as you know, Mr. Chairman, to the effect that Mr. Murphy participated in some of these activities.

Also, you already have been convicted as I understand it, of the dynamiting of the Ruby home.

Could you tell the committee whether you were instructed by the union officials to carry out that dynamiting?

Mr. MURPHY. I refuse to answer that question on the ground it may tend to incriminate me.

Mr. KENNEDY. Did you receive instructions from the head of the teamsters in Scranton, Mr. Durkin, to carry out that dynamiting?

Mr. MURPHY. I refuse to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. Are you a member of the union?

Mr. MURPHY. I refuse to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. You are not ashamed of it, are you?

Mr. MURPHY. I refuse to answer.

The CHAIRMAN. To be a member?

Mr. MURPHY. I refuse to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. Are you an officer in the union?

Mr. MURPHY. I refuse to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. Do you believe in unionism?

Mr. MURPHY. I refuse to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. Would you help clean up a bad situation up there by cooperating with the committee and telling the committee what you know?

Mr. MURPHY. I refuse to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. You mean by that that you refuse to cooperate, is that correct?

Mr. MURPHY. I refuse to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. Do you want these conditions to continue, or do you want to be helpful in cleaning them up?

Mr. MURPHY. I refuse to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. You have a lot of respect for the union do you not?

Mr. MURPHY. I refuse to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. Would you be willing to render a service to the union: something that would be helpful to it?

Mr. MURPHY. I refuse to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. Don't you have a lot of sympathy for working people?

Mr. MURPHY. I refuse to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. Would you not like to do something that would be helpful to the working people, your associates, the men you work with?

Mr. MURPHY. I refuse to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. If they are to believe you, if people are to believe you that answering these questions might tend to incriminate you, I'm afraid you are incriminating yourself.

Do you want to leave the record that way?

Mr. MURPHY. I refuse to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. You are going to leave it that way if you don't answer it. You know that, do you not?

Mr. MURPHY. I refuse to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. What is your occupation; your present occupation?

Mr. MURPHY. I refuse to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. Do you honestly believe that if you answered that question truthfully under oath and gave a truthful answer to it, telling your present occupation might tend to incriminate you?

Mr. MURPHY. I refuse to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. With the permission of the committee and with the approval of the committee, I order and direct you to answer that question.

Mr. MURPHY. I refuse to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. Do you think that you are engaged in an occupation or in an activity now that if the public knew it and if you told the truth about it, it would bring disgrace upon you, or tend to, or might bring disgrace upon you?

Mr. MURPHY. I refuse to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. Do you think that you are a good citizen?

(The witness conferred with his counsel.)

Mr. MURPHY. I refuse to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. Are there any further questions, Mr. Counsel?

Mr. KENNEDY. No, Mr. Chairman.

The CHAIRMAN. Are there any questions?

The witness may stand aside, and call the next witness.

Mr. KENNEDY. I call Mr. Joseph Bartell, who is the business agent of the Carpenters' Union, Local 261, Scranton, and president of the Scranton Building Trades Council.

The CHAIRMAN. Mr. Bartell, will you be sworn?

Do you solemnly swear that the evidence you shall give before this Senate Select Committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BARTELL. I do.

TESTIMONY OF JOSEPH BARTELL, ACCOMPANIED BY HIS COUNSEL, HUGH J. McMENAMIN AND J. CHARLES HANAHUE

The CHAIRMAN. Mr. Bartell, will you state your name, your place of residence, and your business or occupation, please, sir?

Mr. BARTELL. Joseph Bartell, 115 Pillar Avenue, Scranton, Pa.

The CHAIRMAN. You understood my question?

Mr. BARTELL. And business representative of carpenters union.

The CHAIRMAN. Thank you very much.

You have elected to have counsel present under the rules of the committee to advise you regarding your legal rights, have you?

Mr. BARTELL. Yes, sir.

The CHAIRMAN. Counsel will please identify themselves for the record.

Mr. McMENAMIN. I am Attorney Hugh J. McMenamin, of Scranton, Pa., and my partner attorney or one of my partners, is Attorney J. Charles Hanahue, likewise of Scranton, Pa.

Mr. KENNEDY. Mr. Bartell, would you give us a little of your background; where you were born?

Mr. BARTELL. In Antrim, Pa., Tioga County.

Mr. KENNEDY. In what year?

Mr. BARTELL. Well, I am 57; and so it would be 1900.

Mr. KENNEDY. You went to school there, did you, and where did you go to school?

Mr. BARTELL. In Antrim.

Mr. KENNEDY. For how many years?

Mr. BARTELL. Until about the seventh grade, I believe.

Mr. KENNEDY. Seventh or eighth grade?

What did you do after you left school?

Mr. BARTELL. We moved to Scranton.

Mr. KENNEDY. Yes, and what did you do there?

Mr. BARTELL. In Scranton?

Mr. KENNEDY. Yes, when you got to Scranton? You were probably 12 or 13 or 14 years old. And what did you do?

Mr. BARTELL. I started to learn the carpenters trade as a cabinet-maker.

Mr. KENNEDY. Go ahead and then tell us what you did. You worked as a carpenter?

Mr. BARTELL. That is correct, sir.

Mr. KENNEDY. With various companies.

Mr. BARTELL. That is right.

Mr. KENNEDY. And you have been in Scranton ever since?

Mr. BARTELL. That is right.

Mr. KENNEDY. You have been a practicing carpenter ever since?

Mr. BARTELL. You are right.

Mr. KENNEDY. Is that right?

Mr. BARTELL. Yes, sir.

Mr. KENNEDY. You got married in what year?

Mr. BARTELL. I was only 17 years of age.

Mr. KENNEDY. About 1917 or 1918 you got married?

Mr. BARTELL. Yes, sir.

Mr. KENNEDY. And you have how many children?

Mr. BARTELL. Five.

Mr. KENNEDY. Have you been arrested, Mr. Bartell, at all?

Mr. BARTELL. Yes.

Mr. KENNEDY. Would you tell the committee how many times you have been arrested and what they were for?

(The witness consulted with his counsel.)

Mr. BARTELL. Well, I was arrested for going bail for a constable who was in the 20th Ward.

Mr. KENNEDY. You were arrested for what?

Mr. BARTELL. For going bail for an elected constable who I used to play ball with, and he asked me to go his bail, and there would be nothing to it. And at that time I gave the wrong address, and at the same time I did on real estate, but not at that address that I gave.

Mr. KENNEDY. What year was that?

Mr. BARTELL. Around 1936, I believe.

Mr. KENNEDY. Is that the only time?

Mr. BARTELL. A few other times for nonsupport.

Mr. KENNEDY. Nonsupport?

Mr. BARTELL. That is correct.

Mr. KENNEDY. What about assault and battery?

Mr. BARTELL. Assault and battery, also, yes.

Mr. KENNEDY. What is that?

Mr. BARTELL. Yes, sir.

Mr. KENNEDY. When was that, and what were the circumstances?

Mr. BARTELL. I can't recall when it was.

Mr. KENNEDY. About 1936, assault and battery.

Mr. BARTELL. Somewhere in that neighborhood.

Mr. KENNEDY. What happened in that case?

Mr. BARTELL. I got in an argument with a fellow, me and him, and he took a punch at me and I took a punch at him and I was arrested.

Mr. KENNEDY. He punched you first and you punched him back?

Mr. BARTELL. Yes.

Mr. KENNEDY. And it was assault and battery?

Mr. BARTELL. Yes, sir.

Mr. KENNEDY. And then you were arrested for perjury in 1936?

Mr. BARTELL. That was the bail bond, sir.

Mr. KENNEDY. You were found guilty?

Mr. BARTELL. I pleaded guilty, sir.

Mr. KENNEDY. You were sentenced to pay costs and put on probation for 3 years?

Mr. BARTELL. You are right, sir.

Mr. KENNEDY. Then in 1937, Scranton, Pa., disorderly conduct, and you were arrested for that.

Mr. BARTELL. I believe you are right, sir.

Mr. KENNEDY. Then, were you arrested any time after that? Can you help me on this Mr. Bartell and tell me when you were arrested?

Mr. BARTELL. That was the last time I was ever arrested.

Mr. KENNEDY. What about February 8, 1938, for assault and battery, when you hit somebody, an auto vehicle. Were you involved in that at all?

Mr. BARTELL. What is that?

Mr. KENNEDY. Did you have a problem with an automobile, and did you hit someone with an automobile?

Mr. BARTELL. No, sir; I did not.

Mr. KENNEDY. Frances Wooley; do you know her?

Mr. BARTELL. Who is this?

Mr. KENNEDY. Mrs. Frances Wooley.

Mr. BARTELL. I do not.

Mr. KENNEDY. You were not arrested on February 8, 1938?

(The witness consulted with his counsel.)

Mr. BARTELL. Is that an auto accident you have reference to?

Mr. KENNEDY. Yes.

Mr. BARTELL. No.

Mr. KENNEDY. Were you arrested on February 8, 1938, in connection with anything?

Mr. BARTELL. I don't recall, sir.

Mr. KENNEDY. You do not know Mrs. Frances Wolley?

Mr. BARTELL. No; I do not, sir.

Mr. KENNEDY. Were you arrested on August 6, 1938, for violation of parole?

Mr. BARTELL. I believe I was, sir; yes.

Mr. KENNEDY. And you were sentenced to one year in jail?

Mr. BARTELL. That is correct.

Mr. KENNEDY. You didn't mention that to the committee.

Mr. BARTELL. I don't believe you asked me, sir.

Mr. KENNEDY. I asked you when you had been arrested.

Mr. BARTELL. Well, I was brought back for violating my probation.

Mr. KENNEDY. On December 3, 1939, Scranton, Pa., you were arrested for disorderly conduct.

Mr. BARTELL. I just can't recall when I was arrested, and I was arrested a few different times for disorderly conduct, and I just can't recall.

Mr. KENNEDY. Do you know Dorothy Hartman?

Mr. BARTELL. I do, sir.

Mr. KENNEDY. Do you remember being arrested regarding Dorothy Hartman, in 1939?

Mr. BARTELL. No, I do not, sir.

Mr. KENNEDY. You do not?

Mr. BARTELL. I do not.

Mr. KENNEDY. You never paid any fine for that? You were never arrested in connection with Dorothy Hartman?

Mr. BARTELL. Not that I recall, sir.

Mr. KENNEDY. Do you know Betty Parsons?

Mr. BARTELL. Not that I know of, sir.

Mr. KENNEDY. You don't remember anything in connection with Dorothy Hartman and Betty Parsons?

Mr. BARTELL. No; I do not, sir.

Mr. KENNEDY. Have you ever been to the Linden Hotel?

Mr. BARTELL. I could have, sir.

Mr. KENNEDY. I am not going to go into the details of it, Mr. Bartell, and all I want you to do is come forward and just say facts, that you were arrested and you paid your fine; that is all.

Mr. BARTELL. To the best of my ability, I think that happened 20 years ago, and I just can't recall the date and what happened.

Mr. KENNEDY. I am not asking you that. I am just asking you whether you were arrested or not and I do not want to go into all of the details of it. Were you arrested in connection with the matter in December of 1939 in connection with a girl by the name of Betty Parsons, 18 years old, and a Miss Dorothy Hartman?

Mr. BARTELL. I could have, but I just can't recall.

Mr. KENNEDY. You don't remember anything about it?

Mr. BARTELL. No, I do not.

Mr. KENNEDY. You would remember this, Mr. Bartell.

You have been arrested since that time, and you were arrested in 1956, were you?

Mr. BARTELL. Yes, sir.

Mr. KENNEDY. What were you arrested for in connection with this? (The witness consulted with his counsel.)

Mr. BARTELL. Conspiracy, sir.

Mr. KENNEDY. To do what? Just conspiracy? (The witness conferred with his counsel.)

Mr. BARTELL. In connection with the Ruby case.

Mr. KENNEDY. That was the dynamiting?

Mr. BARTELL. Yes, sir.

Mr. KENNEDY. Did you give any instructions on the dynamiting of that home?

Mr. BARTELL. No, sir; I did not.

Mr. KENNEDY. You did not have anything to do with it?

Mr. BARTELL. No, sir.

Mr. KENNEDY. You never knew it was being done?

Mr. BARTELL. No, sir.

Mr. KENNEDY. Did you give any instructions that the beams should be sawed in the Ruby home?

Mr. BARTELL. No, sir; I did not.

Mr. KENNEDY. You never heard anything about it until after it was done, until after the dynamiting was done?

Mr. BARTELL. That is right, sir.

Mr. KENNEDY. Let me go back prior to that time. Do you remember when the Ryan job was being completed in Scanton, Pa.?

Mr. BARTELL. Yes, I do, sir.

Mr. KENNEDY. Did you ever recommend that any pickets go out to Ryan job?

Mr. BARTELL. Did I recommend?

Mr. KENNEDY. Yes.

Mr. BARTELL. No, sir.

Mr. KENNEDY. Did you ever send any pickets out there?

Mr. BARTELL. I? No, sir.

Mr. KENNEDY. You never had anything to do with it?

Mr. BARTELL. I was up there picketing with the rest of them.

Mr. KENNEDY. Were you trying to organize them, or was the teamsters trying to organize them, or who?

Mr. BARTELL. They were the four crafts. The heavy highway workers was trying to organize Ryan.

Mr. KENNEDY. And were the teamsters trying to organize them also?

Mr. BARTELL. There was the teamsters, engineers, laborers, and the carpenters, from the 34 eastern counties of Pennsylvania.

Mr. KENNEDY. Did you have a conversation with Mr. Ryan prior to the time you sent the pickets up there?

Mr. BARTELL. Yes, I did, sir.

Mr. KENNEDY. Mr. Ryan has stated that you threatened him. Is that correct?

Mr. BARTELL. No, sir; it is not.

Mr. KENNEDY. You did not threaten him at all?

Mr. BARTELL. No, sir.

Mr. KENNEDY. Did you have a meeting with him in the Hotel Tracy?

Mr. BARTELL. Yes, sir; we did.

Mr. KENNEDY. Did he at that time state to you that he was going to try to get an injunction and did you say to him at that time, "Go get your damn injunction and see if we pay any attention to it"?

Mr. BARTELL. The only thing that was said at that meeting, and Mr. O'Brien was the spokesman for Mr. Ryan, and Mr. O'Brien and Mr. Lavery were discussing about the engineers, and I interrupted Mr. O'Brien and Mr. Lavery. I said, "Mr. O'Brien, are you going to pay the prevailing rate in this area?" He said, "No. I am paying 90 cents an hour for my men."

I says to Mr. O'Brien, "Do you mean to say you are going to come in here and break the conditions down that our fathers and forefathers have established, at least a half decent wages?"

He says, "Yes," and the meeting was adjourned.

Mr. KENNEDY. But you never threatened him at all?

Mr. BARTELL. No, sir; I did not.

Mr. KENNEDY. Did you say anything about "Go get your damn injunction and see if we pay any attention to it"?

Mr. BARTELL. I did not, sir.

Mr. KENNEDY. You never said anything like that?

Mr. BARTELL. No, sir.

Mr. KENNEDY. So Mr. Ryan's statement to the contrary is not true; is that right?

Mr. BARTELL. That is right, sir.

Mr. KENNEDY. Now, Mr. Bartell, we have also had testimony from a Mr. Pozusek, a contractor at the Ruby job. He says that he was threatened by you also. Is that correct?

Mr. BARTELL. No, sir; it is not.

Senator KENNEDY. Mr. Chairman?

The CHAIRMAN. Senator Kennedy.

Senator KENNEDY. As I understood, 3,000 pickets came out to picket the Ryan job, of the Ryan Co.?

Mr. BARTELL. That is right, sir.

Senator KENNEDY. How many people were working at the Ryan Co. at that time?

Mr. BARTELL. I could not—I wouldn't know.

Senator KENNEDY. Well, we have figures that there were about 45. Why did you get 3,000 pickets?

Mr. BARTELL. The four crafts involved asked the building trades for some support, because the man was paying at least 50 or 60 cents an hour under the prevailing rate in that area, so the building trades had it taken back to each local union for approval, and that took about 2 or 3 weeks, and we did support the 4 crafts involved. We declared a holiday for 1 day.

Senator KENNEDY. What did you do? Who paid the 3,000 pickets?

Mr. BARTELL. Who paid them?

Senator KENNEDY. Yes.

Mr. BARTELL. No one.

Senator KENNEDY. You say they took a holiday. Did the various unions donate any money?

Mr. BARTELL. No, sir; they did not.

Senator KENNEDY. So, in other words, the pickets came down voluntarily?

Mr. BARTELL. That is right, sir.

Senator KENNEDY. And sacrificed a days' pay?

Mr. BARTELL. That is right, sir.

Senator KENNEDY. Why did you need 3,000 pickets to indicate your displeasure with the Ryan Co. being nonunionized when they only had 45 employees

Mr. BARTELL. Each local union felt they would go out there and show Mr. Ryan that that was not the prevailing rate in this area, and at least he should pay the prevailing rate, and each local union was a little bit upset about it when he said he would pay them 90 cents per hour.

Senator KENNEDY. Did you approach the employees of Mr. Ryan, the nonunion employees of Mr. Ryan, and see if you could get them to join your union?

Mr. BARTELL. I believe some of the business representatives has approached them.

Senator KENNEDY. What did they say?

Mr. BARTELL. Some was willing to join the union, but if they did, they would lose their job.

Senator KENNEDY. Do you mean, in other words, they said publicly that if they joined the union, Mr. Ryan would discharge them?

Mr. BARTELL. That is right, sir.

Senator KENNEDY. Who did they say that to?

Mr. BARTELL. Some of the business representatives.

Senator KENNEDY. Who?

Mr. BARTELL. I believe Ross was one of them. Some of the fellows that were trying to organize them.

Senator KENNEDY. Was that ever brought to the attention of the local office of the National Labor Relations Board?

Mr. BARTELL. That would be the engineers, the laborers, the teamsters and the carpenters, the joint council, not the one that I represent.

Senator KENNEDY. Was there any effort made to bring that to the attention of the National Labor Relations Board as an unfair labor practice?

Mr. BARTELL. I don't recall, sir. I don't believe so.

Senator KENNEDY. You know he is not allowed to discharge men merely because they want to join a union.

Mr. BARTELL. Well, Mr. Ryan definitely did not want no part of a union.

Senator KENNEDY. Mr. Ryan didn't want any part of a union, but he can't fire men merely because they want to join a union. You don't have to bring 3,000 men down to influence 45 men.

(The witness conferred with his counsel.)

Senator KENNEDY. The purpose of picketing is for information, information to the personnel involved, and information to the public. It does not need 3,000.

Mr. BARTELL. Well, they all volunteered.

Senator KENNEDY. The union, in other words, did not contribute any money?

Mr. BARTELL. No, sir; they did not.

Senator KENNEDY. They did not give a day's pay or a day's maintenance?

Mr. BARTELL. No, sir.

Mr. KENNEDY. We have some information that some of those pickets were brought in from New Jersey, that some of the pickets had guns and some of the other pickets had clubs, and also information that the pickets were paid.

Do you say all of those things were untrue?

Mr. BARTELL. As far as the building trades local unions, they did not pay no pickets; yes, sir.

Mr. KENNEDY. You were participating in the picketing. You must have known what was going on.

Mr. BARTELL. There was a canteen set up there, and sandwiches and coffee served for all of the men.

Mr. KENNEDY. Who brought the pickets in from New Jersey?

Mr. BARTELL. I don't know, sir. I don't believe there were pickets from New Jersey, as far as I know.

Senator GOLDWATER. How about the heavy highway unions and the construction unions? Did they contribute to the pay of the 3,000 pickets?

Mr. BARTELL. No, they did not, sir.

Senator GOLDWATER. Who paid the 3,000 pickets for 1 day's work?

Mr. BARTELL. It was all voluntary, as far as I know, sir.

Senator GOLDWATER. They left their jobs, came down there to picket, gave up a day's work without being paid for it?

Mr. BARTELL. Yes, sir.

Senator GOLDWATER. Doesn't your union have a layoff fund to take care of that?

Mr. BARTELL. Each local union in the building trades had to bring them back to the local union if they would go up there for 1 day, and I would say most of the local unions have voted to go up there and picket voluntarily.

Senator GOLDWATER. You say if the local union votes to go up and picket, that 100 percent of the members have to quit their jobs and go picket?

Mr. BARTELL. They all agreed on that, sir.

Senator GOLDWATER. Who agreed on it?

Mr. BARTELL. All the fellows that was up there.

Senator GOLDWATER. Did they agree on it, or did the 10 or 12 or 15 or 20 who came to the meeting agree on it?

Mr. BARTELL. We have more than 10 or 15 or 20.

Senator GOLDWATER. Were all 3,000 of these men at the meeting when they decided to go up and picket?

Mr. BARTELL. Each separate local union decided to go up.

Senator GOLDWATER. And all 3,000 of these men from the different locals were at the meetings when it was decided that they would leave a day's work and go up on the picket line?

(The witness conferred with his counsel.)

Mr. BARTELL. Sir, I don't belong to all the locals.

Senator GOLDWATER. What did your local do?

Mr. BARTELL. They voted to go up.

Senator GOLDWATER. How many men belong to your local?

Mr. BARTELL. About 600.

Senator GOLDWATER. Did you have 600 people at the meeting?

Mr. BARTELL. No, sir; we did not.

Senator GOLDWATER. How many did you have at that meeting?

Mr. BARTELL. I would say around maybe 100 or 125.

Senator GOLDWATER. And they agreed unanimously that the other 480 should go up to the picket?

Mr. BARTELL. That is right, sir.

Senator GOLDWATER. Does your union constitution provide that they have to give up a day's work to go on the picket, when a minority says they shall?

Mr. BARTELL. It was strictly all voluntary. Who didn't want to go up there, they didn't have to.

Senator GOLDWATER. What would have happened if they didn't go?

Mr. BARTELL. Nothing.

Senator GOLDWATER. You tell us, then, that these men went up there for coffee and doughnuts?

Mr. BARTELL. And sandwiches; that is right.

Senator GOLDWATER. They didn't receive a day's pay for picketing?

Mr. BARTELL. No, sir; they did not.

Senator GOLDWATER. You didn't receive any money from any union at all to pay these men with?

Mr. BARTELL. Did I receive any money to pay the men?

Senator GOLDWATER. Did you receive money from any union, locals, councils, statewide, nationals, or international to pay these pickets with?

Mr. BARTELL. The only money received was to pay the caterer for sandwiches, coffee and doughnuts, and for an attorney.

Senator GOLDWATER. Did you hear of any of the picketing men receiving pay for 1 day's picketing?

Mr. BARTELL. No; I did not, sir.

Senator GOLDWATER. Did you give up your job to go picket?

Mr. BARTELL. Yes, sir; I did, sir.

Senator GOLDWATER. Which job did you give up? The union official, or the carpenter's job?

Mr. BARTELL. The union official.

Senator GOLDWATER. You are still an official of that union; is that correct?

Mr. BARTELL. Yes, sir.

Senator GOLDWATER. What is your office?

Mr. BARTELL. I am the business representative of local 261 at Scranton, the carpenters.

Senator GOLDWATER. Has there been a meeting of that local since the time of your conviction in November 1956?

Mr. BARTELL. We meet every Friday night.

Senator GOLDWATER. Has the matter of your being convicted and your still being a union official ever been brought up on the floor?

Mr. BARTELL. I believe they give me a vote of confidence.

Senator GOLDWATER. Again, how many men were at that meeting? Do you recall?

Mr. BARTELL. Well, an average of anywhere from 100 to 120 we have practically every Friday night.

Senator GOLDWATER. And the members of the local say that it is all right to have a man convicted of bombing a house remain as their business agent; is that correct?

Mr. BARTELL. Sir, I had nothing to do with no bombing of the house.

Senator GOLDWATER. I thought you just told us that you did. Were you not convicted in November 1956, for conspiracy to sabotage?

Mr. BARTELL. Yes, sir.

Senator GOLDWATER. Was that pushing the wall over, or bombing?

Mr. BARTELL. Well, I don't know what it is for, but I was convicted for perjury, or conspiracy.

Senator GOLDWATER. You know what it was for. You had a trial. You sat through the trial. The newspapers covered it. I imagine radios covered it. Was it for the bombing or for pushing over the wall?

(The witness conferred with his counsel.)

Mr. BARTELL. For the dynamiting case.

Senator GOLDWATER. So it wasn't conspiracy to sabotage a new house. Well, do your union members really feel that you should be their business agent with that conviction resting on you?

(The witness conferred with his counsel.)

Mr. BARTELL. We still have an appeal for a new trial.

Senator GOLDWATER. Let me ask you, do you, yourself, think that you should be the business agent of a union when you have been convicted of a charge such as this?

Mr. BARTELL. Personally, myself, yes, because I am not guilty.

Senator GOLDWATER. You are not guilty?

Mr. BARTELL. No, sir.

Senator GOLDWATER. Do you think that the code of ethics that has been outlined by Mr. Meany and Mr. Reuther should be made to apply in your case?

Mr. BARTELL. I believe if I was found guilty it would be a different story; yes.

Senator GOLDWATER. You have already been found guilty.

Mr. BARTELL. We are still pending for a new trial, sir.

Senator GOLDWATER. Do you believe that the members of a union movement who appeared at a testimonial dinner for you and the other three convicted should come under the concepts of Mr. Reuther's and Mr. Meany's code of ethics?

(At this point, Senator Kennedy withdrew from the hearing room.)

Senator GOLDWATER. That is Jim McDevitt, William Kendrick, Pat Waldrom, all of them being high officials in the union movement.

Mr. BARTELL. No.

Senator GOLDWATER. You do not think they should? You think it perfectly proper for a man like James McDevitt, who is head of one of the biggest political organizations in the world, to condone the actions of one of the members of the union movement who is an official himself, condone the actions that resulted in being convicted of a charge of conspiracy? Do you think that is right?

(The witness conferred with his counsel.)

Mr. BARTELL. I still think I am innocent, sir.

Senator GOLDWATER. Well, I imagine that if that code of ethics is going to be applied, and if it runs into the same argument that you are innocent, I imagine that they are going to have a hard time with Dave Beck, because Dave Beck says he is innocent. My question is just directed to you. Do you think it is proper for you, as an official, to remain an official after you have been convicted of these charges, or for any of these men to have the right to represent to the world that organized labor is backing up four men who have been found guilty by regular courts of having conspired to blow up a house?

Mr. BARTELL. I still say that I am innocent of the charge that has been preferred against me.

Senator GOLDWATER. You testified to the effect that you gave up a day's pay as a union official to picket; is that correct?

Mr. BARTELL. Did I give up a day's pay?

Senator GOLDWATER. You gave a day's pay as a union official to go out and picket?

Mr. BARTELL. I was asked, I think, if I went up picketing up there, and I said yes.

Senator GOLDWATER. You are not sure if you were up there picketing that day?

Mr. BARTELL. I was, sir.

Senator GOLDWATER. You were up there picketing, so you did not collect pay for 1 day's work as a union official?

Mr. BARTELL. I am on salary, sir.

Senator GOLDWATER. You are unsalaried?

Mr. BARTELL. On salary.

Senator GOLDWATER. Did you turn back a day's pay?

Mr. BARTELL. No; I did not, sir.

Senator GOLDWATER. So you put yourself a little above the other 2,999 men who were up there doing it for free?

Mr. BARTELL. No; I did not, sir.

Senator GOLDWATER. You did not give up a day's pay, though?

Mr. BARTELL. That is right, sir.

Senator GOLDWATER. You are a little different, then, than those other 2,999?

Mr. BARTELL. I am not no different than what they are, because I worked maybe some Saturdays, which the other fellows work 40 hours a week, and which I am salaried, and I think I make up that difference time and time over again.

Senator GOLDWATER. I see.

The CHAIRMAN. All right, Mr. Counsel.

Mr. KENNEDY. Mr. Bartell, did you have a conversation with Mr. Pozusek, a contractor on the Ruby job?

Mr. BARTELL. Yes; I did, sir.

Mr. KENNEDY. And did you state to him in one of the first conversations that you had with him—

What I am mostly interested in is who the hell allows you to come here to Scranton to build.

Did you say anything like that to him?

Mr. BARTELL. No, sir; I did not.

Mr. KENNEDY. So Mr. Pozusek came here and made that statement and the statement is false; is that right?

Mr. BARTELL. That is right, sir.

Mr. KENNEDY. You never said anything like that to him?

Mr. BARTELL. No, sir; I did not.

(The witness conferred with his counsel.)

Mr. BARTELL. May I explain exactly what did happen?

Mr. KENNEDY. Did you have any conversation with him?

Mr. BARTELL. There was a few words said; yes.

May I explain it to you, sir?

The CHAIRMAN. Yes; you may.

Mr. BARTELL. We went up on the job, myself, Mr. Brady, and Mr. Bonacuse, and we were introduced to Mr. Pozusek that is the contractor, and we asked him if he was going to have a union job. He

started to raise up the fuss about the lumber dealers in Wilkes-Barre. I said to him—

I am not interested in the lumber dealers in Wilkes-Barre. We have very good relations with our lumber dealers up here. They employ our people. You are bringing fellows up, breaking our conditions down, and we have a whole lot of people unemployed at the present time.

He waved his hand to me and started to walk away and said, "Don't bother me, I got ulcers." I said, "Mister, I have ulcers myself. Try one of my pills."

Mr. KENNEDY. That is all?

Mr. BARTELL. That is correct. We walked away.

Mr. KENNEDY. It was sort of a nice conversation? It was a very friendly conversation or relatively friendly?

(The witness conferred with his counsel.)

Mr. BARTELL. As far as I was concerned, yes.

Mr. KENNEDY. And 2 days later his house was blown up?

Mr. BARTELL. I don't know that, sir.

Mr. KENNEDY. You didn't know anything about that?

Mr. BARTELL. No; I didn't.

Mr. KENNEDY. He said that you said—

Well, you can't do that in Scranton. You will just pick up your tools and get the hell back to Wilkes-Barre where you belong. You have no business around here.

You never said that to him?

Mr. BARTELL. No, sir; I did not.

The CHAIRMAN. Do you mean if his house was blown up, as has been testified to here, without warning, none of you gave him any warning or said anything to him, that would indicate that you were going to resort to violence?

Mr. BARTELL. The only thing we indicated to him was if he didn't come in and sit down with us we was going to picket the job the following week.

The CHAIRMAN. That was the only threat?

Mr. BARTELL. And we did picket—

The CHAIRMAN. You did not warn him that his house would be blown up or there would be sabotage?

Mr. BARTELL. No, sir; there was none.

The CHAIRMAN. He did not get any warning of it?

Mr. BARTELL. No, sir.

The CHAIRMAN. I see.

Mr. KENNEDY. He said you also said to him—

Well, you can't come into Scranton and work. You know, you can come into a troublesome area, and you are going to get trouble over here, and you are looking for it, and you are going to get it.

Did you say anything like that to him?

Mr. BARTELL. No, sir; I did not.

Mr. KENNEDY. That is what he says, and, again, the testimony is that 2 days after that, the house blew up.

You did not say anything like that to him?

Mr. BARTELL. No, sir.

Mr. KENNEDY. You just had the conversation that you related?

Mr. BARTELL. That is correct, sir.

Mr. KENNEDY. And he said—

This house or no house is worth somebody getting hurt over.

And you said to him—

Trouble, you don't know the first damn thing about trouble. Why, we will give you so much damn trouble here that you will get ulcers.

You did not give it in that context?

Mr. BARTELL. No, sir.

Mr. KENNEDY. And then did you tell him what you were going to do with the Taft-Hartley bill?

Mr. BARTELL. I never heard it even mentioned.

Mr. KENNEDY. And he said that you used such filthy language. All of that is untrue?

Mr. BARTELL. Yes, sir.

Mr. KENNEDY. What?

Mr. BARTELL. Yes, sir.

Mr. KENNEDY. You know that is untrue, you did not say any filthy language with him?

Mr. BARTELL. No.

Mr. KENNEDY. And you did not tell him that you were going to Washington to get rid of the Taft-Hartley bill?

Mr. BARTELL. Indeed, I didn't.

Mr. KENNEDY. The Taft-Hartley bill was not mentioned at all?

Mr. BARTELL. Not to my knowledge, no.

Mr. KENNEDY. He made this whole thing up, is that right?

Mr. BARTELL. I believe he did; yes.

Mr. KENNEDY. Mr. Ryan made his story up that he was threatened, and Mr. Pozusek made his story up. What about Mr. Cochran, when you built the Denny home? Do you remember talking to Mr. Cochran?

(The witness conferred with his counsel.)

Mr. BARTELL. I am indicted on that charge, sir, and I would appreciate it a whole lot, because I am still waiting for trial on the Denny job.

The CHAIRMAN. If he is indicted on that, we will not question him on it.

Mr. KENNEDY. On the day following the dynamiting, did you give Mr. Paul Bradshaw five \$20 bills to distribute to those that had blown the Ruby house up?

Mr. BARTELL. No; I did not, sir.

Mr. KENNEDY. So that testimony is not true either?

Mr. BARTELL. That is right, sir.

Mr. KENNEDY. And did you tell Mr. Bradshaw that you should not have used dynamite, but should have just sawed the beams and that would have been sufficient?

Mr. BARTELL. No, I did not, sir.

Mr. KENNEDY. You never told him that he should not use dynamite, but just saw the beams?

Mr. BARTELL. I didn't tell him nothing.

Mr. KENNEDY. That is all untrue?

Mr. BARTELL. That is right, sir.

Mr. KENNEDY. All of these people are making these false statements about you?

Mr. BARTELL. That is right, sir.

Mr. KENNEDY. Four or five different people are all coming in here making these false statements about you?

Mr. BARTELL. Yes, sir.

Mr. KENNEDY. And under oath?

Mr. BARTELL. Right.

Mr. KENNEDY. You are a maligned man.

(At this point, Senator Kennedy entered the hearing room.)

The CHAIRMAN. You deny all of these charges or any connection with them. Are we to assume that you do not approve of such tactics? Do you approve of them going out there and bombing the house?

Mr. BARTELL. No, sir; I do not.

The CHAIRMAN. What have you done with respect to those who did it in connection with any discipline in the union?

Mr. BARTELL. I have nothing to do with the teamsters union.

The CHAIRMAN. They were not all teamsters, were they?

Mr. BARTELL. As far as I understand; yes, sir.

The CHAIRMAN. There was a conspiracy, was there not, that involved other unions?

Mr. BARTELL. As far as the teamsters, them was the only ones that had had any involved in the dynamiting.

The CHAIRMAN. Do you know of any action that has been taken against those in the teamsters union?

Mr. BARTELL. I have nothing to do with the teamsters union.

The CHAIRMAN. I did not ask you that. Do you know of any action?

Mr. BARTELL. No, sir; I do not.

The CHAIRMAN. Proceed.

Well, do you know whether Mr. William Munley is a member of the union at the present time?

(The witness conferred with his counsel.)

Mr. BARTELL. Would you please repeat that, sir?

The CHAIRMAN. Do you know Mr. William Munley?

Mr. BARTELL. Do I know Mr. Munley? Yes, sir.

The CHAIRMAN. Do you know whether he is a member of the union now or not?

Mr. BARTELL. No, I do not, sir.

The CHAIRMAN. Do you know Mr. Joe Malloy?

Mr. BARTELL. Yes.

The CHAIRMAN. Do you know whether he is a member of a union or not?

Mr. BARTELL. No, I do not.

The CHAIRMAN. Do you know Mr. George Murphy?

Mr. BARTELL. Yes, I do.

The CHAIRMAN. Do you know whether he is a member of a union?

Mr. BARTELL. No, I do not.

The CHAIRMAN. Do you know this fellow Hubshman? Do you know him?

Mr. BARTELL. Yes, sir.

The CHAIRMAN. Do you know whether he is a member of a union or not?

Mr. BARTELL. I do not, sir.

The CHAIRMAN. Do you know Robert Malloy?

Mr. BARTELL. Yes, sir.

The CHAIRMAN. Do you know whether he is a member of a union or not?

Mr. BARTELL. Yes, sir, he is.

The CHAIRMAN. What union?

Mr. BARTELL. The teamsters.

The CHAIRMAN. Do you know what official position he holds?

Mr. BARTELL. Business representative.

The CHAIRMAN. Was he also convicted in this conspiracy?

Mr. BARTELL. Yes, sir.

No. I don't believe he is, sir.

The CHAIRMAN. He was not in the group that was indicted with you?

(The witness conferred with his counsel.)

Mr. McMENAMIN. Is that Bob Malloy?

The CHAIRMAN. Yes.

Mr. BARTELL. Not on the Ruby job. On the Denny job, Robert Malloy is indicted with myself.

The CHAIRMAN. He was indicted with you?

Mr. BARTELL. That is correct.

The CHAIRMAN. That one has not been tried: is that correct?

Mr. BARTELL. That is right, sir.

The CHAIRMAN. That one is still pending?

Mr. BARTELL. Right, sir.

The CHAIRMAN. But he was not indicted with you in the conspiracy trial in which you were convicted?

Mr. BARTELL. No, sir.

Mr. KENNEDY. You never made any statement of any kind to Mr. Pozusek that he would have to go back to Wilkes-Barre, that he better get his tools and get the hell back to Wilkes-Barre?

Mr. BARTELL. No, sir; I did not.

Mr. KENNEDY. You never said anything like that?

Mr. BARTELL. No, sir.

Mr. KENNEDY. Did you hear anybody else say anything like that?

Mr. BARTELL. No, I do not, sir.

(The witness conferred with his counsel.)

Mr. BARTELL. We got a little angry at Mr. Pozusek, but I can't recall of anybody making them kind of statements.

Mr. KENNEDY. Do you think it is possible that somebody might have made a statement like that?

Mr. BARTELL. I can't recall, sir.

Mr. KENNEDY. Mr. Chairman, we have two affidavits here which bear a little bit on the fact that at least somebody said that, and Mr. Pozusek's statement was that Mr. Bartell was the one that made those statements.

The CHAIRMAN. They are not as positive proof. I would not read the affidavits unless the witnesses are available at this time.

Mr. KENNEDY. They are not here. We have two other affidavits from individuals who state that this statement was made.

The CHAIRMAN. For the purpose of the record, those statements may be inserted, since they are sworn to, and may be printed in the record at this point.

(Documents referred to follow:)

STATE OF PENNSYLVANIA,

County of Lackawanna, ss:

I, Walter Babkowski, 20 Spruce Street, Wilkes-Barre Township, Pa., freely and voluntarily make the following statement to Laverne J. Duffy who has

identified himself to me as a member of the staff of the United States Senate Select Committee on Improper Activities in the Labor or Management Field. No threats, force or duress has been used to induce me to make this statement, nor have I received any promise of immunity from any consequences which may result from submission of this statement to the aforementioned Senate select committee:

On April 28, 1954, I was working as an employee for Mr. Edward Pozusek who is a building contractor from Wilkes-Barre, Pa. On this date, April 28, 1954, I was working with Mr. Pozusek on the building of a new home for Mr. Andrew Ruby, 1045 North Main Avenue, Scranton, Pa.

At approximately 10:30 a. m., on April 28, 1954, I noticed three men get out of an automobile and one of the men came up to me. At the time I did not know the identity of the three men. Later, I identified the three men in question as Phillip Brady, Joseph Bartel and Anthony Bonacuse. Mr. Bartel was the man who approached me and asked if I belonged to the union and I answered that I did not. Mr. Bartel then said that I should get Mr. Pozusek because the men wanted to talk to him.

During the course of my duties on the Ruby job when the three men were talking to Mr. Pozusek, I overheard one of the men say, and I don't know whether it was Bartel, Brady or Bonacuse, "you, Pozusek, will have ulcers."

I have read the foregoing statement and to the best of my knowledge, it is true and correct.

WALTER BABKOWSKI.

Witness: LaVern J. Duffy.

Witness: William J. Oliver.

Sworn to and subscribed before me this 11th day of March 1957.

VELMA M. GERVASI, *Notary Public*.

My commission expires January 29, 1959.

STATE OF PENNSYLVANIA,

County of Lackawanna, ss:

I, Joseph Popovich, 94 Chestnut Street, Wilkes-Barre Township, Pa., freely and voluntarily make the following statement to Laverne J. Duffy who has identified himself to me as a member of the staff of the United States Senate Select Committee on Improper Activities in the Labor or Management Field. No threats, force or duress has been used to induce me to make this statement, nor have I received any promise of immunity from any consequences which may result from submission of this statement to the aforementioned Senate select committee.

On April 28, 1954, I was working as an employee for Mr. Edward Pozusek of Wilkes-Barre, Pa., on the construction of a home for Mr. Andrew Ruby, 1045 North Main Avenue in Scranton, Pa.

During the course of my work at the Ruby home, on April 28, 1954, at approximately 10:30 a. m., I saw 3 men, 2 of whom were talking in a threatening manner to Mr. Pozusek. At the time of their conversation with Mr. Pozusek I did not know who the three men were. Later I identified the three men when they were brought before me. They were Joseph Bartel, Anthony Bonacuse and Phillip Brady of the Scranton Building Trades Council.

On April 28, 1954, when the 3 men visited the Ruby job, 2 of the men, Mr. Bartel and Mr. Brady, were doing the talking. One of the men stated, and I cannot recall if it was Bartel or Brady, that he, Pozusek, would get ulcers before they got done with him, and that he, Pozusek, had better pick up his tools and get the hell back to Wilkes-Barre where he belongs.

I have read the foregoing statement and to the best of my knowledge, it is true and correct.

JOSEPH POPOVICH.

Witness: LaVern J. Duffy.

Witness: William J. Oliver.

Sworn to and subscribed before me this 11th day of March 1957.

VELMA M. GERVASI, *Notary Public*.

My commission expires January 29, 1959.

Senator KENNEDY. I would like to just ask the witness a question:

I just cannot believe that on this arrest in 1939, that you are as unaware of it as you state. Therefore, I am wondering about all of your other statements.

I would like to ask counsel if we have other witnesses, on a number of different points of Mr. Bartell's, which indicate an entirely different point. Therefore, I am very much concerned about whether he has told us the truth or not.

Mr. KENNEDY. That is correct. And also the fact that he states he had nothing to do with the dynamiting and he has been convicted of the dynamiting, and at least 12 people felt that he had taken part and had instructed that the dynamiting take place, even though he denies it here before the committee.

(The witness conferred with his counsel.)

The CHAIRMAN. The Chair is of the opinion that there is a sufficient conflict of evidence, and sufficient evidence, upon which the Justice Department might well determine which one has committed perjury.

I believe we are sending all of this record to the Justice Department, are we not?

Mr. KENNEDY. Yes.

The CHAIRMAN. That is, the transcript.

The Chair will direct the chief counsel to prepare a letter of transmission of this testimony and call specific attention of the Justice Department to this serious conflict and ask it to give special attention to this case with a view of pursuing it, and seeking an indictment for perjury of the one who appears to have committed perjury in this hearing.

Mr. KENNEDY. I think, Senator, you have read the record on the conviction of December 3, 1939, which Mr. Bartell states he cannot remember. I am sure you agree that it concerns something that you would not forget.

Senator KENNEDY. I do not think there is any doubt but that the facts are accurate. It is for that reason, along with all the other conflicts in his testimony, that I think the Department of Justice should take a careful look at his testimony.

The CHAIRMAN. In order to refresh your memory, and you say you cannot remember, according to the record and information before this committee, it shows that on December 3, 1939, you were arrested in the Linden Hotel, in Scranton, Pa. A review of the files relating to the case disclosed that a young girl, 18 years of age, was taken forcibly by you and your girl friend, Dorothy Hartman, to the Linden Hotel, and to the hotel room, where certain transactions occurred.

Do you remember it now?

(The witness conferred with his counsel.)

Mr. BARTELL. Well, it is quite awhile ago.

The CHAIRMAN. I realize it.

Mr. BARTELL. I could have been in the Hotel Linden at that particular time.

The CHAIRMAN. Well, you will remember you paid a fine for it, do you not? You recall that much, do you not?

Mr. BARTELL. Well, if I was in there——

The CHAIRMAN. I am just asking you——

Mr. BARTELL. I must have paid a fine, sir, yes.

The CHAIRMAN. All right, you do remember it, do you not?

Let us get down to the facts now. You are under oath.

Mr. BARTELL. I am just about to recall it, sir.

The CHAIRMAN. You are just about to. You do recall it, do you not? You do not want to leave this witness stand perjuring yourself on that point, do you?

Mr. BARTELL. No, sir, I do not.

The CHAIRMAN. All right. Then you recall it, do you not?

Mr. BARTELL. Yes, sir.

The CHAIRMAN. Fine. Thank you.

Proceed.

Mr. KENNEDY. That is all.

The CHAIRMAN. You may stand aside.

Call the next witness.

Mr. KENNEDY. John Durkin.

(Members present at this point: Senators McClellan, Kennedy, and Goldwater.)

Mr. NEALON. Mr. Chairman?

The CHAIRMAN. Mr. Durkin, will you be sworn, please?

You do solemnly swear that the evidence you shall give before this Senate Select Committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DURKIN. I do.

TESTIMONY OF JOHN DURKIN, ACCOMPANIED BY COUNSEL, WILLIAM J. NEALON

Mr. NEALON. Mr. Chairman, may I make a statement?

The CHAIRMAN. Just a moment.

We try to identify our witnesses before going into further preliminaries.

Will you state your name, please, sir?

Mr. DURKIN. John Durkin.

The CHAIRMAN. Where do you live?

Mr. DURKIN. 1212 South Irving Avenue.

The CHAIRMAN. What is your business or occupation?

Mr. DURKIN. Well, Mr. Chairman, I wish to invoke the fifth amendment.

The CHAIRMAN. All right. I anticipated that.

You have with you counsel today to represent you?

Mr. DURKIN. I do not have my proper counsel.

The CHAIRMAN. You do not have an improper counsel, do you?

Mr. NEALON. Mr. Chairman.

The CHAIRMAN. Just one moment.

Do you have your counsel with you today, counsel of your choice, to represent you here, while you testify?

Mr. DURKIN. I do not have my proper counsel of my choice.

The CHAIRMAN. You do not?

Mr. DURKIN. No, I do not.

Mr. NEALON. If I may, Mr. Chairman—

The CHAIRMAN. Now the Chair will hear from the counsel who is not of your choice.

Mr. NEALON. Mr. Chairman, I am William J. Nealon, a practicing lawyer in Lackawanna County, Pa. Joseph Brennan, a practicing lawyer in the same county, represents Mr. Durkin. I was in Mr. Brennan's presence on last Friday when he telephoned Mr. LaVern Duffy, the investigator for the committee, and mentioned that he had prior

commitments and could it possibly be that Mr. Durkin would not be called to testify prior to Thursday morning. From what Mr. Brennan related to me after he had finished his conversation, Mr. Duffy had talked to counsel Kennedy and had said that Mr. Brennan could report on Thursday morning, that Mr. Durkin would not be called prior to Thursday morning.

Mr. KENNEDY. Was there anything further to the conversation than that?

Mr. NEALON. Not to my knowledge. But I may say, Mr. Kennedy, that in reliance upon that, Mr. Brennan, who, because of a serious predicament in a bank which he represents, which involved his continued presence, or at least his presence insofar as it was physically possible, he is enplaning today for Washington, and was prepared to represent Mr. Durkin tomorrow morning before the committee.

If the Chairman would be so kind, we would appreciate it if Mr. Durkin's testimony could be held off until the other witnesses have been heard, at which time we hope Mr. Brennan will have arrived.

The CHAIRMAN. You are expecting your proper attorney here tomorrow?

Mr. DURKIN. I do.

The CHAIRMAN. You have assurance from him that he will be here so far as you know?

Mr. DURKIN. To the best of my knowledge he will be here.

The CHAIRMAN. In view of the fact that you had taken it up with the committee staff before, and some understanding was had along that line, the Chair is going to defer to your wishes and let you be excused until in the morning at 10 o'clock. At that time, it is your responsibility to get your attorney here. But on the basis of your statement that he has assured you he will be here, then I will defer your testimony until in the morning at 10 o'clock.

Mr. DURKIN. I wish to thank you.

Mr. NEALON. Mr. Chairman, Mr. Brennan also represents Robert Malloy and Joseph McHugh.

The CHAIRMAN. Mr. Counsel, what information did you have about this particular attorney—what is his name—representing these others?

Mr. KENNEDY. Friday afternoon there was a telephone conversation between Mr. Duffy and the other attorney, in which he requested to have it put over until Thursday. While Mr. Duffy was in his office, when he talked to him, I told him to tell the attorney that we thought they could be put over until Thursday, but that it was possible that it would be before that time, and that we would notify them, and he should stand by, that that would be at the convenience of the committee, but that we would try to put it over until Thursday.

We moved faster than we expected.

The CHAIRMAN. Are the other two witnesses present?

Mr. NEALON. Yes, Mr. Chairman, they are.

The CHAIRMAN. What are their names?

Mr. NEALON. Do you mean in addition to Mr. Malloy and Mr. McHugh?

Mr. KENNEDY. They were notified that they would have to appear today rather than Thursday, notified yesterday.

The CHAIRMAN. I just want to get the record straight.

Mr. NEALON. If I may say, Mr. Kennedy, at the time Mr. Brennan turned away from the phone, he said he was instructed that if he were to be called prior to Thursday morning, he would receive a minimum of 6 hours notice. I am just revealing what he said to me, and I would like to explain it to you at this time.

Mr. KENNEDY. I think he got 6 hours, because he was notified yesterday.

Mr. NEALON. If he was notified yesterday, I am not aware of it.

The CHAIRMAN. Mr. McHugh, come forward, please.

Each of you hold up your right hand and be sworn.

Do you and each of you solemnly swear that the evidence you shall give before this Senate Select Committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. McHUGH. I do.

Mr. MALLOY. I do.

TESTIMONY OF JOSEPH McHUGH AND ROBERT MALLOY, ACCOMPANIED BY COUNSEL, WILLIAM J. NEALON

The CHAIRMAN. Mr. McHugh, will you state your name, your place of residence and your business or occupation, please?

Mr. McHUGH. Joe McHugh, 208 East Grove Street, Dunmore.

The CHAIRMAN. Did you state your occupation?

(The witness conferred with his counsel.)

Mr. McHUGH. Business agent for the teamsters local union in Scranton.

The CHAIRMAN. Have you elected to have counsel present with you when you testify?

Mr. McHUGH. It was understood that Joe Brennan was to represent us.

The CHAIRMAN. Joe Brennan?

Mr. McHUGH. That is right.

The CHAIRMAN. Do you have any information from him as to whether he will be here in the morning or not?

Mr. McHUGH. Well, I was informed that he would be here on a Thursday morning, tomorrow morning.

The CHAIRMAN. Have you been in touch with him about it?

Mr. McHUGH. I haven't; no.

The CHAIRMAN. Where did you get your information that he would be here?

Mr. McHUGH. From Attorney Nealon.

The CHAIRMAN. The attorney who is present with you here now?

Mr. McHUGH. That is right.

Mr. Malloy, will you state your name, your place of residence, and your business or occupation?

Mr. MALLOY. Senator, my name is Robert Malloy. I live at 308 South Irving Avenue, in the city of Scranton. My occupation is a business agent for the Teamsters Local No. 229.

The CHAIRMAN. Thank you very much, sir.

Have you made arrangements for the same attorney, Mr. Joe Brennan?

Mr. MALLOY. That is correct, sir.

The CHAIRMAN. And have you been in touch with him and know whether he can be here tomorrow?

Mr. MALLOY. Only through Attorney Nealon.

The CHAIRMAN. Mr. Attorney, would you state that you do have assurances that he is to be here tomorrow?

Mr. NEALON. Yes, I will, Mr. Chairman.

The CHAIRMAN. All right, gentlemen. The only thing the Chair can say to you is that I am going to defer to your wishes. I do not want to deprive anyone of the counsel of their choice, if that counsel has in good faith agreed to represent you and be present. In view of the fact that the staff members were apprised that he possibly could not get here today, and that they thought, really, that you probably would not be reached as witnesses until tomorrow, in view of that the Chair is going to defer your testimony until tomorrow. You will return tomorrow at 10 o'clock.

(At this point, Senator Kennedy withdrew from the hearing room.)

The CHAIRMAN. The Chair will not take any further responsibility, however, to the absence of your counsel. You will testify tomorrow, and if you cannot get him, you better look out for that yourselves.

Mr. NEALON. That is correct.

Mr. KENNEDY. I wish to clarify the record to say that I was mistaken when I said we had notified anybody yesterday that we expected to get to them.

The CHAIRMAN. All right.

Be back tomorrow morning at 10 o'clock.

Mr. KENNEDY. Mr. Chairman, we had expected another witness yesterday who has come today. It is Mr. John Genova.

(Members present at this point: Senators McClellan and Goldwater.)

The CHAIRMAN. Will you be sworn, please?

You do solemnly swear that the evidence you shall give before this Senate Select Committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GENOVA. I do.

TESTIMONY OF JOHN GENOVA

The CHAIRMAN. Will you state your name, your place of residence, and your business or occupation, please, sir?

Mr. GENOVA. My name is John Genova. I live at 215 Susquehanna Street, Old Forge, Pa. I am a bread distributor for Sonny Boy Bakery.

The CHAIRMAN. All right, Mr. Counsel.

Just one minute. The Chair forgot to ask you this: Do you have counsel or desire counsel?

Mr. GENOVA. No, sir.

The CHAIRMAN. Have you talked to some members of the staff and know generally the line of questions that will be asked?

Mr. GENOVA. Yes, sir.

The CHAIRMAN. Thank you very much.

Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Genova, during 1953, you were working as a driver for Mr. Schiavi?

Mr. GENOVA. I wasn't working as a driver for Mr. Schiavi. I was working for myself.

Mr. KENNEDY. Were you doing some work with Mr. Schiavi?

Mr. GENOVA. Yes, sir.

Mr. KENNEDY. You were driving a truck of Mr. Schiavi's place?

Mr. GENOVA. Yes, sir.

Mr. KENNEDY. Specifically in April 1953, were they having difficulties with the union?

Mr. GENOVA. Yes, sir.

Mr. KENNEDY. And they were having difficulties with the teamsters union?

Mr. GENOVA. That is right, sir.

Mr. KENNEDY. You were driving a truck during the early days of the difficulties and troubles that you were having?

Mr. GENOVA. Yes, sir.

Mr. KENNEDY. Will you tell us what occurred, if anything, to you, when you were driving a truck?

Mr. GENOVA. Well, the morning that the boys went out on strike, I went up there for my bread and nobody bothered me. But then on the second day, there was six of the fellows up there that stopped my truck. They pulled the ignition key out of the ignition and tried to get me out of the truck to beat me up. There was a fellow standing on the corner there. He sells newspapers. He saw what was going on, and he run over and said that he could identify all of them fellows, and to let me alone. So they did.

Well, on the third day, I got my load of bread out of the Sonny Boy Bakery, and going down the highway about 3 miles outside of Scranton, a fellow stopped me. That was Robert Hubshman. He was trying to get me out of the truck. I locked the door of the truck from the inside. He saw he couldn't do anything with me. He stepped on running board and put his foot right through my window.

After that I stopped going up there for bread and they didn't bother me anymore.

Mr. KENNEDY. You never made any trips after that? That was the end?

Mr. GENOVA. Not there.

Mr. KENNEDY. Did you receive any threatening telephone calls at home?

Mr. GENOVA. Yes, I did.

Mr. KENNEDY. Did you receive many?

Mr. GENOVA. I would say about 10.

Mr. KENNEDY. And did your wife also receive telephone calls?

Mr. GENOVA. Well, sure, she answered the phone sometimes.

Mr. KENNEDY. Did this cause a strain on your wife?

Mr. GENOVA. Yes, it did.

Mr. KENNEDY. Did she become sick from it?

Mr. GENOVA. Yes. She was a nervous wreck.

Mr. KENNEDY. From the telephone calls that were received?

Mr. GENOVA. Yes, sir.

Mr. KENNEDY. Were they threatening telephone calls?

Mr. GENOVA. Yes.

Mr. KENNEDY. What were the nature of the threats?

Mr. GENOVA. Well, they would tell me not to go up there for bread anymore, that maybe some morning a big trailer would hit my truck and nobody would ever know what happened.

Well, sometimes they would say, "Your garage is on fire," and it wouldn't be true.

Mr. KENNEDY. That your garage was on fire?

Mr. GENOVA. Yes. They would call me up about 10 or 11 o'clock at night and tell me my garage was on fire, which wasn't true. It was things like that. Everything was disturbing.

Mr. KENNEDY. Was there filthy language used to you also?

Mr. GENOVA. Yes.

Mr. KENNEDY. And to your wife?

Mr. GENOVA. No; not to my wife.

Mr. KENNEDY. Just to you?

Mr. GENOVA. Yes, sir.

Mr. KENNEDY. Did your wife get a nervous breakdown from this?

Mr. GENOVA. Well, not a complete breakdown, but she was very nervous.

Mr. KENNEDY. Has that had an effect on her up until the present time?

Mr. GENOVA. Well, I would say it did.

Mr. KENNEDY. She still hasn't recovered from that period?

Mr. GENOVA. Not fully.

Mr. KENNEDY. She was very anxious that you not testify, is that right?

Mr. GENOVA. That is right.

The CHAIRMAN. Let me ask you: Did you own your own truck?

Mr. GENOVA. Yes, sir.

The CHAIRMAN. You own it yourself?

Mr. GENOVA. Yes, sir.

The CHAIRMAN. Actually in business for yourself?

Mr. GENOVA. Yes, sir.

The CHAIRMAN. You would go get the bread and distribute it to your customers?

Mr. GENOVA. That is right, sir.

The CHAIRMAN. Do you have any employees?

Mr. GENOVA. No, sir.

The CHAIRMAN. It is just your own operation?

Mr. GENOVA. That is right, sir.

The CHAIRMAN. You would arrange to get the bread at this place and then you found your customers that you could deliver it to and collect for it?

Mr. GENOVA. That is right.

The CHAIRMAN. So you were not an employee. You were self-employed?

Mr. GENOVA. That is right, sir.

The CHAIRMAN. Were they trying to require you to join the union?

Mr. GENOVA. No, sir. They never did ask me to join the union.

The CHAIRMAN. They did not. Why were they objecting to you going there and getting bread?

Mr. GENOVA. Well, I really think that they were trying to cut off the production, because the inside men were not on strike. It was just the drivers. So they were trying to cut off his production altogether. I happened to be one of the biggest distributors that he had at that time.

The CHAIRMAN. I do not understand. Who were they trying to get into the union——

Mr. GENOVA. The Sonny——

The CHAIRMAN. If they were not trying to get your drivers, the truck drivers?

Mr. GENOVA. I wasn't a driver for Mr. Schiavi.

The CHAIRMAN. He had a driver or two of his own?

Mr. GENOVA. That is right. They were trying to organize his drivers.

The CHAIRMAN. And then they threatened you and kicked in your windshield?

Mr. GENOVA. That is right, sir.

The CHAIRMAN. That was to keep you from going and getting bread?

Mr. GENOVA. That is right.

The CHAIRMAN. Trying to close down the shop completely?

Mr. GENOVA. That is right, sir.

Mr. KENNEDY. Mr. Chairman, Mrs. Genova is still quite sick, and I think that Mr. Genova is to be commended for coming down here at this time when there is a strain on his wife, bringing up this matter that she was trying to forget.

The CHAIRMAN. The Chair would like also to commend the witness, and I would like to also advise the witness that if he gets any more threats, or any effort is made to intimidate him or threaten him or to harm him in any way because he gave his testimony here, I would appreciate his letting us know it.

If we can identify the parties, we will see if some little action can be taken.

Mr. GENOVA. Yes, sir. Thank you, sir.

The CHAIRMAN. Thank you very much.

Are there any other questions?

Mr. KENNEDY. That is all.

The CHAIRMAN. Thank you very much.

Of course, Mr. Genova, what I said with reference to the threats to you applies also if any come to your wife. You let us know.

Mr. GENOVA. All right, sir. Thank you. I will.

Mr. KENNEDY. Mr. Philip Brady.

Philip Brady is currently business agent of Local 81 of the International Brotherhood of Electrical Workers.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BRADY. I do.

TESTIMONY OF PHILIP BRADY, ACCOMPANIED BY COUNSEL, HUGH J. McMENAMIN AND J. CHARLES HANAHUE

The CHAIRMAN. Mr. Brady, state your name, your place of residence, and your business or occupation.

Mr. BRADY. Philip Francis Brady, 802 Orchard Street, Scranton, Pa. I am business manager of Local 81, International Brotherhood of Electrical Workers, AFL-CIO.

The CHAIRMAN. Do you have counsel present representing you?

Mr. BRADY. Yes, sir.

The CHAIRMAN. It is the same counsel that appeared for Witness Bartell?

Mr. McMENAMIN. Yes, Mr. Chairman, Hugh J. McMenamin and J. Charles Hanahue.

The CHAIRMAN. Counsel, you may proceed.

Mr. KENNEDY. You have been convicted of the dynamiting or conspiracy in the dynamiting of the Ruby home?

(The witness conferred with his counsel.)

Mr. BRADY. Yes, sir.

Mr. KENNEDY. You have been convicted of that?

Mr. BRADY. Yes, sir.

Mr. KENNEDY. And there has been no effort on the part of the electrical workers to take any action against you, is that right?

Mr. BRADY. No, sir. Our case is waiting appeal now.

Mr. KENNEDY. But you have been convicted by a jury trial, is that right?

Mr. BRADY. Yes, sir.

Mr. KENNEDY. And you have not heard from any of the higher officials of the electrical workers about your remaining in your present position?

Mr. BRADY. No, sir.

Mr. KENNEDY. Have they indicated to you that they are going to take any action against you, or contemplate any action?

Mr. BRADY. No, sir.

Mr. KENNEDY. That is, removing you from your position?

Mr. BRADY. Not that I know of, sir.

Mr. KENNEDY. Mr. Brady, as I understand from the testimony, you were present in a conversation that was had between Mr. Bartell and Mr. Pozusek, the contractor working on the Ruby job, is that right?

Mr. BRADY. Yes, sir.

Mr. KENNEDY. You were present? Go ahead.

Mr. BRADY. Mr. Kennedy, I would like to make a statement here that this has all been aired in the courts of Lackawanna County. I am willing to answer any of the questions that are asked.

Mr. KENNEDY. Thank you. Let me say this: This testimony has been given about you before the committee, and I think that you should have an opportunity to answer those charges that have been made against you before this committee also, Mr. Brady, whether it has been aired already in the courts of Lackawanna County.

Mr. BRADY. All right, sir.

Mr. KENNEDY. Were you present during a conversation between Mr. Bartell and Mr. Pozusek, the contractor on the Ruby job?

Mr. BRADY. Yes, sir.

Mr. KENNEDY. Was anything said to Mr. Pozusek at that time that he should get the hell back to Wilkes-Barre?

Mr. BRADY. That could have been said, but that has been quite a while ago now. I just can't recall.

Mr. KENNEDY. Did you make any such statement?

Mr. BRADY. No, sir; I did not.

Mr. KENNEDY. You know you did not make such a statement?

Mr. BRADY. No, sir; I did not.

Mr. KENNEDY. Do you think it possible that Mr. Bartell could have made that statement?

Mr. BRADY. It could be possible, but I don't recall.

Mr. KENNEDY. During the construction of the Denny home—are you under indictment for the Denny home?

Mr. BRADY. Yes, sir; I am.

Mr. KENNEDY. You would rather not go into that?

Mr. BRADY. That is correct, sir.

Mr. KENNEDY. Mr. Bradshaw has testified that, after he showed you the secret tape recordings, or told you about them, you said that he should be taken care of, and that he was getting a bad deal. Did you make any such statement to him?

Mr. BRADY. No, sir.

Mr. KENNEDY. You never had any conversation such as that?

Mr. BRADY. No, sir. Can I explain that a little bit, Mr. Kennedy?

Mr. KENNEDY. Yes, if there is anything further.

Mr. BRADY. Well, it was on a primary-election day, and Mr. Bradshaw came up to the election booth where I happened to be, and I don't know whether he was looking for me or Mr. Malloy. But he intimated to me at that meeting about the tape recordings, and that he was going to involve some people in labor, and he told me about the tape recordings, and invited me down to see the tape recordings.

I got in his car and I went down to their apartment, and I stood right at the door. I didn't even go inside. I stood right at the door, and she lifted up the—he lifted up the skirts of a basket or a stand that was there, and the tape recording was right in it.

The CHAIRMAN. Did you hear it played?

Mr. BRADY. What is that, sir?

The CHAIRMAN. Did you hear the tape recording played?

Mr. BRADY. No, sir. I just stood right at the door. It was pointed out to me.

Mr. KENNEDY. What did you say? Anything at that time?

Mr. BRADY. I said "Let's get out of here"; that was all.

Mr. KENNEDY. You did not have any conversation?

Mr. BRADY. No, sir.

Mr. KENNEDY. You did not have any conversation with him about the fact that he was the one that had been taking the rap for at least 3 or 4 other fellow dynamiters?

Mr. BRADY. No, sir.

Mr. KENNEDY. You did not have any talk about that?

Mr. BRADY. No, sir.

Mr. KENNEDY. Had you known about the dynamiting prior to the time it took place?

Mr. BRADY. No, sir; I did not.

Mr. KENNEDY. Had you known that some of the beams were going to be sawed through of the Ruby home, or that there was something going to be done to that place prior to the dynamiting?

Mr. BRADY. No, sir; I did not.

Mr. KENNEDY. You did not?

Mr. BRADY. No, sir.

Mr. KENNEDY. So you should not have been convicted?

Mr. BRADY. Well, we feel as though we should not have been convicted, Mr. Chairman, because the man who has testified against us has been a three-time perjurer now, I believe.

Mr. KENNEDY. Now, will you—

The CHAIRMAN. Was that argument made to the jury of Scranton citizens when you were tried, that the man who testified against you was a three-time loser?

Mr. BRADY. Yes, sir; it was.

The CHAIRMAN. So the jury had that information?

Mr. BRADY. You are correct, sir.

The CHAIRMAN. All right.

Mr. KENNEDY. Did any of the electricians—are you familiar with the Lord Electric Corp.?

Mr. BRADY. Yes, sir; I am.

Mr. KENNEDY. Did any of the electricians that worked for the Lord Electric Corp. ever do any work in your home?

Mr. BRADY. No, sir; I don't believe there was an electrician that worked on my home. That is, for Lord Electric. I can give you the outfit who did the work on my home, the electrical work on my home.

Mr. KENNEDY. What was the name of that?

Mr. BRADY. There were people from the Bright Light Electric Co.

Mr. KENNEDY. Bright Light Electric Co.?

Mr. BRADY. That is right. The man who is in charge of it today, his name is Armbruster. He has taken over since that time, he has taken over the Bright Light Electric Co.

Mr. KENNEDY. Did you ever have any electricians other than those working in your home?

Mr. BRADY. I don't seem to understand your question.

Mr. KENNEDY. Did you ever have any electricians other than those working in your home?

Mr. BRADY. Do I have other—

Mr. KENNEDY. No. Have you had any electricians other than the ones from the Bright Light Electric Co.? Have you had any other electricians working in your home?

Mr. BRADY. Yes, sir.

Mr. KENNEDY. Where did they come from?

Mr. BRADY. From the local, from the local union itself. We are a construction organization, Mr. Kennedy, and our people are liable to be working for maybe 15 to 20 different contractors. I imagine there were 2 or 3 from different contractors who came into my home on their own time. That was on Saturdays and Sundays and possibly nights.

Mr. KENNEDY. Did you ever have any of them working on a week-day, Monday through Friday, in your home?

Mr. BRADY. No, sir.

Mr. KENNEDY. You never did?

Mr. BRADY. No, sir.

Mr. KENNEDY. They only worked Saturday and Sundays?

Mr. BRADY. That is correct. And possibly nights, sir.

Mr. KENNEDY. Did you pay them union scale?

Mr. BRADY. No, sir. They did it as a favor to me. I didn't pay them anything.

Mr. KENNEDY. They just wanted to come in and work in your home?

Mr. BRADY. That is correct, sir. We have done this to help other people out, and we help one another out that way.

Mr. KENNEDY. So they just came in as a favor to you?

Mr. BRADY. That is correct, sir.

Mr. KENNEDY. During this period of time, they were not being paid by any of the contractors or received money from the contractors for work done in your home?

Mr. BRADY. No.

Mr. KENNEDY. Who were some of the electricians that came in and worked at your home?

Mr. BRADY. Well, Harry Armbruster.

Mr. KENNEDY. Armbruster?

Mr. BRADY. Armbruster, b-r-u-s-t-e-r.

Let me have a drink of water. Maybe I am a little dry.

Al Gerson. A fellow by the name of Cabiello. I am trying to think of his first name. I should know it is good as I know my own.

Mr. KENNEDY. Was he a good friend of yours?

Mr. BRADY. That is right. Worked right in the same shop. I worked in the same shop previously.

Mr. KENNEDY. You do not remember the first name?

Mr. BRADY. I am on the road, sir, 9 years. I will have his name for you. Andy. There it is. It is coming out.

Harry Armbruster, Jr. There was a gentleman by the name of Edward Malloy. There was a fellow by the name of Harold McIntyre. There was a fellow by the name of John Duffy. There was a fellow by the name of Victor Cadula, and there was a fellow by the name of Jack Smedley. That is as close as I can come to it.

Mr. KENNEDY. They all came out to your home at nights?

Mr. BRADY. And Saturdays and Sundays, sir.

Mr. KENNEDY. Were any of them working or employed by the Lord Electric Corp.?

Mr. BRADY. I don't believe any one of them, sir.

Mr. KENNEDY. You are familiar with that?

Mr. BRADY. I am pretty sure that there wasn't any one of them.

Mr. KENNEDY. Do you know the U. S. Hoffman Machinery Corp.?

Mr. BRADY. I do, sir.

Mr. KENNEDY. Were any of them connected with that at all?

Mr. BRADY. Lord Electric was doing the contract work on that job. I am pretty sure that there wasn't any one of them. But if there was one of them, they never came on anybody's time, only their own time. That was on either Saturday, Sunday, or nights.

I am trying to figure out now just where they were working, but it is a pretty difficult thing to go back that far and say where each man was working, with so many different jobs.

Mr. KENNEDY. When was it that they were doing the work on your home?

Mr. BRADY. I think I am in the home 3 years now, Mr. Kennedy.

Mr. KENNEDY. About 3 years ago?

Mr. BRADY. About 3 years ago, that is correct.

Mr. KENNEDY. How long did they work there, over what period of time?

Mr. BRADY. Well, some of them would come in and they would rough the house in, and then there were at different stages they would do part of the job, the service end of it.

Mr. KENNEDY. From what period to what period?

Mr. BRADY. I would say it would be from around October until December.

Mr. KENNEDY. Of 1953 or 1954?

Mr. BRADY. You have me on the year. It is 3 or 4 years ago. I won't say the years, because I am not sure of it. I would say it would

be 4 years this coming December that I would be in the house, so it would be about 1953.

Mr. KENNEDY. Do you have the decision and the right to say where these people are going to work and what jobs they are going to have, and when they are going to work? Is that part of your position?

Mr. BRADY. That is part of my position.

Mr. KENNEDY. So if they are friendly with you, it is rather an advantage to them?

Mr. BRADY. Mr. Kennedy, pardon me. We have a list, right up in headquarters, that when the men are idle they come in and place their names on the list, and as the jobs come in, they go out on that list. The only place where I might make a difference is a foreman or a general foreman on a job.

Mr. KENNEDY. Is that list always followed?

Mr. BRADY. As close as we possibly can.

Mr. KENNEDY. But there is occasion when it is not followed?

Mr. BRADY. That is correct sir.

Mr. KENNEDY. So it is possible that you could give somebody an advantage, is that right?

Mr. BRADY. That is correct, sir.

Mr. KENNEDY. If 7 or 8 fellows came for a period of 4 or 5 weeks and did the electrical work in your home on nights and Saturdays, and Sundays, it is possible, if you wanted to, that you could give them an advantage on a job?

Mr. BRADY. If I wanted to, yes. That is possible.

Mr. KENNEDY. That is, if you were that type of fellow.

Mr. BRADY. If I was that type of fellow, that is right.

Mr. KENNEDY. Unless Mr. Brady has some statement to make about some of the statements that have been made about him, before the committee, that is all.

(The witness conferred with his counsel.)

The CHAIRMAN. Do you recall anything, Mr. Brady, that you wish to comment on, any testimony?

Mr. BRADY. I would like to say, sir, as a representative of labor from Scranton, that we in the labor movement in Scranton have done a lot to try to bring new industry into Lackawanna County. Labor has played a big part in all of the civic activities of our community, including LIFE, which is known as Lackawanna Industrial Fund Enterprises, to raise money in order to bring industry into our city. Every one of our members contributed of their own free will anywhere from \$50 to \$100. We have been active in all our Community Chest drives, the heart drive, the cancer drive, and now, the Lackawanna United Fund Drive. We have all been active in our community.

The CHAIRMAN. That is very fine, and for that you are to be commended, but that does not offer an excuse, does it, for bombing a house?

Mr. BRADY. We did not bomb a house.

The CHAIRMAN. That does not offer any excuse, does it, for kicking a windshield out of a car?

Mr. BRADY. I know nothing about that, sir.

The CHAIRMAN. Or for letting air out of the tires?

Mr. BRADY. I know nothing about that, sir.

The CHAIRMAN. Or for pushing over a wall?

Mr. BRADY. I know nothing about that.

The CHAIRMAN. This committee commends the good things, but we are just trying to get your help to clean up these things that are rotten.

You would not condone any violence, would you?

Mr. BRADY. No, sir, I would not.

The CHAIRMAN. Would you help clean it up if it occurred in your union?

Mr. BRADY. That is correct, sir.

The CHAIRMAN. Have you done anything to clean up this?

Mr. BRADY. Sir, there was no one in our organization involved.

Mr. KENNEDY. I think you are involved.

The CHAIRMAN. Wait a minute.

Are the teamsters a member of the Scranton Building Trades Council?

Mr. BRADY. Yes, sir, they are.

The CHAIRMAN. Has the Scranton Building Trades Council done anything to try to clean this up?

Mr. BRADY. No, sir, they have not.

(The witness conferred with his counsel.)

Mr. BRADY. We do not have jurisdiction over any local who is affiliated with the Scranton Building Trades Council.

The CHAIRMAN. You may not have jurisdiction, but you can use a little persuasion, can you not, moral persuasion?

Mr. BRADY. I don't think that we can use anything, sir, because we have no jurisdiction. We are just an affiliate of the council, the same as our organization.

The CHAIRMAN. The Chair is not trying to be facetious, but it does strike me, and I think it is going to probably be impressed upon others, that when these things occur, if the responsible officials of the union, of the local, of the local organization, if they themselves are not guilty, if they did not participate and conspire to do it or have it done, there is an obligation resting upon them to try to clean it up. If that should have been done over the country, these things, these improprieties, these improper practices and activities, if labor would do it itself, there would be no occasion for such a committee as this, spending the taxpayers' money, trying to inform the people of the country of what has happened, and to get information for the Congress upon which the Congress can legislate.

You people who are officials of unionism have a great opportunity. That opportunity is equal to the obligation, or the obligation is equal to the opportunity, to prevent these things from occurring, or if, when they occur, to do something about it, and show that you do not condone it, you do not approve of it.

If you will get some kind of discipline like that in labor, then we will not have near so many of these problems, and the Congress will not have to give so much effort and spending of the taxpayers' money to develop this information, to get the information upon which to legislate remedial legislation, collective legislation, to try to prevent these things from occurring.

So, again, for all of the good things you have done, for what you have done for the Scranton community, your cooperation in its effort to rehabilitate its economy after the industry upon which it relied had been displaced or had terminated, for those good things you are to be

commended. But the conditions which have occurred that are associated with labor activities, I cannot say that I commend you for.

Is there anything else?

The Chair has already made the statement previously about one of the purposes of these hearings, just one part of this particular series of hearings. A good many of these things had already been known up in the Scranton community and had been aired, as the witness stated, in court.

While this is true, there is a question of ethics today that has been given some publicity, a code of ethics that has been adopted by the AFL-CIO, and we are interested in knowing how that is going to be operated, whether it is operating, whether it is being enforced, or what action is being taken against those who have been convicted of crimes, to remove them from their responsible official positions in the union.

If the high officials that sponsor this code of ethics and practices, if it has not come to their attention yet, I believe we are going to get it to their attention. I am sure you would not be in favor of having a man at the head of a union who was a criminal, would you be?

Mr. BRADY. No, sir.

The CHAIRMAN. I do not think so. I do not think anybody else would, anybody else that is worthy of unionism in its proper sense and the spirit of its integrity and purpose to serve and better the conditions of the laboring men. I do not think any man would want a criminal at the head of a union, with the power and position that unions have today. I am hoping you will alert yourself and interest yourself in the position you hold in taking some action along that line.

Thank you very much. You may stand aside.

Mr. BRADY. Thank you, Senator McClellan, and members of the committee.

The CHAIRMAN. Call the next witness.

Mr. KENNEDY. The next witness is Mr. Anthony Bonacuse.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate Select Committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BONACUSE. I do.

TESTIMONY OF ANTHONY BONACUSE, ACCOMPANIED BY COUNSEL, HUGH J. McMENAMIN AND CHARLES HANAHUE

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. BONACUSE. My name is Anthony Bonacuse. I live at 1413 Church Avenue, Scranton, Pa.

I am business representative for local 130 of the International Hod Carriers, Building, and Common Laborers Union of America.

The CHAIRMAN. Thank you very much.

You have the same counsel present as has been identified with the other two witnesses.

You may proceed, Counsel.

Mr. KENNEDY. You are a trustee of the Building Trades Council in Scranton?

Mr. BONACUSE. I am.

Mr. KENNEDY. When you were having any kind of a problem or if there were pickets needed, did you ever call upon the teamsters?

Mr. BONACUSE. Not personally.

Mr. KENNEDY. Well, were the teamsters called upon in any case?

Mr. BONACUSE. Yes, sir.

Mr. KENNEDY. Why was it arranged that the teamsters would do the picketing?

Mr. BONACUSE. They were always available to get.

Mr. KENNEDY. They were what?

Mr. BONACUSE. Always available.

Mr. KENNEDY. Was that agreed, that the teamsters would do the picketing for the rest of the trades council?

Mr. BONACUSE. Not agreement, no.

Mr. KENNEDY. Excuse me?

Mr. BONACUSE. Not an agreement that I know of.

Mr. KENNEDY. How was it arranged?

Mr. BONACUSE. We would call up.

Mr. KENNEDY. Who would you call?

Mr. BONACUSE. We would call the office.

Mr. KENNEDY. If there was anything that needed to be done, would you call the teamsters office?

Mr. BONACUSE. Just what do you mean by anything to be done?

(At this point, Senator McClellan withdrew from the hearing room.)

Mr. KENNEDY. Pickets, or if you needed any other work done in connection with union activity or problems with contractors. Did you call upon the teamsters?

Mr. BONACUSE. The only time we called them was when we needed a picket.

Mr. KENNEDY. Did the rest of the members of the trade council call upon the teamsters also?

Mr. BONACUSE. As far as I know.

Mr. KENNEDY. Do you know Mr. Hubshman?

Mr. BONACUSE. I do know him.

Mr. KENNEDY. Did you know him—how long have you known him?

Mr. BONACUSE. Since this affair.

Mr. KENNEDY. Just since that time?

Mr. BONACUSE. Yes.

Mr. KENNEDY. You have been convicted, I understand, for conspiracy to sabotage the Ruby home, is that right?

Mr. BONACUSE. That is right.

Mr. KENNEDY. That is the dynamiting of the Ruby home?

Mr. BONACUSE. That is right.

Mr. KENNEDY. And you are still business agent of local 130, the hod carriers?

Mr. BONACUSE. That is right.

Mr. KENNEDY. That is common laborers.

Have any of the higher union officials approached you about resigning from your position since your conviction?

Mr. BONACUSE. No, sir.

Mr. KENNEDY. They have given you full support, have they?

Mr. BONACUSE. As far as I know.

Mr. KENNEDY. They never mentioned anything to you? After you were convicted of the dynamiting of the home, they never approached you about the fact that you better resign?

Mr. BONACUSE. Not yet, sir.

Mr. KENNEDY. Or that they were going to fire you?

Mr. BONACUSE. No, sir.

Mr. KENNEDY. Nothing has been done like that?

Mr. BONACUSE. Not yet.

Mr. KENNEDY. The council is made up of how many different crafts?

Mr. BONACUSE. There are 19 of us. Nineteen different crafts.

Mr. KENNEDY. And all of those 19, when there is picketing to be done, would call upon the teamsters to do it for them?

Mr. BONACUSE. Well, we had a rule at building trades that any craft that was involved in any dispute or anything, that the building trades would pay for the pickets from the teamsters.

Mr. KENNEDY. Why would the teamsters be selected to do that?

Mr. BONACUSE. As I said before, they were always available around their office.

Mr. KENNEDY. Do you mean there were always a lot of teamsters around?

Mr. BONACUSE. That is right.

Mr. KENNEDY. How much would you pay the pickets?

Mr. BONACUSE. I think it was either \$10 or \$12.

Mr. KENNEDY. The pickets were paid for the Ryan job, for instance?

Mr. BONACUSE. That I don't know.

Mr. KENNEDY. Do you know if any of those pickets were paid?

Mr. BONACUSE. No, sir.

Mr. KENNEDY. Why would they be paid on other jobs and not paid on that, or why would you not know?

Mr. BONACUSE. On a private home, where we needed a picket, there would only be one picket there, and we would have to pay for that picket that day.

Mr. KENNEDY. What about the Ryan job?

Mr. BONACUSE. The Ryan job, they were called off for 1 day. Each and every local union brought it back to their own organizations, had their meetings, and we decided to call a 1-day holiday.

Mr. KENNEDY. Did you pay any of your pickets that went?

Mr. BONACUSE. No, sir.

Mr. KENNEDY. How many did you send up?

Mr. BONACUSE. It must have been close to 400.

Mr. KENNEDY. And they only had 45 employees there and you sent 400 yourself?

Mr. BONACUSE. That is what I understand.

(At this point, Senator McClellan entered the hearing room.)

Mr. KENNEDY. And there were about 3,000 pickets altogether, is that right?

Mr. BONACUSE. As far as I know.

Mr. KENNEDY. Were you present when Mr. Bartell and Mr. Brady had a conversation with Mr. Pozusek?

Mr. BONACUSE. I was the one that introduced them.

Mr. KENNEDY. You introduced them?

Mr. BONACUSE. That is right.

Mr. KENNEDY. Did you hear anyone or did you make a statement to Mr. Pozusek that he better get the hell back to Wilkes-Barre if he knew what was good for him?

Mr. BONACUSE. No, sir.

Mr. KENNEDY. Did you hear any statement similar to that made by anyone?

Mr. BONACUSE. No, sir.

Mr. KENNEDY. You never heard anything like that said?

Mr. BONACUSE. No, sir.

Mr. KENNEDY. Were you around during the conversation?

Mr. BONACUSE. I was on the platform awhile and then I got off the platform while Brady and Bartell was talking to him.

Mr. KENNEDY. You were on the scaffolding, were you?

Mr. BONACUSE. Not the scaffolding, on the platform, the first floor.

Mr. KENNEDY. You never heard any threats made against Mr. Pozusek?

Mr. BONACUSE. No, sir.

Mr. KENNEDY. Were you present when Mr. Cochran, who was working on the Denny job, were you present when there was a conversation with him?

Mr. BONACUSE. I don't even know the gentleman.

Mr. KENNEDY. You were not present?

Mr. BONACUSE. No, sir.

Mr. KENNEDY. You never met him?

Mr. BONACUSE. No, sir.

Mr. KENNEDY. I think that is the only time any statements about you have come out in the hearing, namely about the bombing, the Ruby job, and the fact that you were present in the conversations with Pozusek.

Mr. BONACUSE. I have no statements.

Mr. KENNEDY. Nothing you want to say?

Mr. BONACUSE. No, sir.

Senator GOLDWATER. Mr. Chairman?

The CHAIRMAN. Senator Goldwater.

Senator GOLDWATER. Getting back to the Building Trades Council, do you have contractor members of that, or is it confined just to the union?

Mr. BONACUSE. Do we have contractors that belong to this?

Senator GOLDWATER. Yes.

Mr. BONACUSE. Not that I know.

Senator GOLDWATER. It is strictly a union?

Mr. BONACUSE. It is strictly all union.

The CHAIRMAN. All right. Thank you very much. You may stand aside.

The committee stands in recess until 10 o'clock in the morning.

(Whereupon, at 4:20 p. m., the committee recessed, to reconvene at 10 a. m., Thursday, April 18, 1957.)

(Members present at the taking of the recess: Senators McClellan and Goldwater.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

THURSDAY, APRIL 18, 1957

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES
IN THE LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The Select Committee met at 10 a. m., pursuant to Senate Resolution 74, agreed to January 30, 1957, in the caucus room, Senate Office Building, Senator John L. McClellan (chairman of the Select Committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Irving M. Ives, Republican, New York; Senator Pat McNamara, Democrat, Michigan; Senator Karl E. Mundt, Republican, South Dakota.

Also present: Robert F. Kennedy, chief counsel of the Select Committee; LaVern J. Duffy, investigator; Ruth Young Watt, chief clerk.

(Members present at the convening of the session: Senators McClellan, Ives, and McNamara.)

The CHAIRMAN. The committee will be in order.

Mr. Counsel, call your next witness.

Mr. KENNEDY. Mr. John Durkin.

TESTIMONY OF JOHN DURKIN, ACCOMPANIED BY HIS COUNSEL, JOSEPH P. BRENNAN—Resumed

The CHAIRMAN. Mr. Durkin, you were called as a witness yesterday at which time you were duly sworn and you gave your name, and your place of residence and your business or occupation, and then advised the committee that your attorney, your regular attorney, the one whom you had employed to represent you and to counsel with you during your testimony before the committee, could not be here yesterday.

At your request, the committee deferred your testimony until this morning. Do you have present now, your attorney of your choice to represent you?

Mr. DURKIN. Yes, Mr. Chairman, I have present counsel of my choice.

The CHAIRMAN. All right, Mr. Counsel, will you identify yourself for the record?

Mr. BRENNAN. Joseph P. Brennan, and I am a practicing attorney at Scranton.

The CHAIRMAN. Thank you very much, Mr. Brennan.

The witness acknowledges he is under the same oath that he took yesterday?

Mr. DURKIN. I do.

The CHAIRMAN. All right, Mr. Counsel, proceed.

Mr. KENNEDY. Mr. Chairman, Mr. Brennan submitted a statement for Mr. Durkin about a half hour ago that he would like to have read in the record and I said it would be submitted to you for your determination.

The CHAIRMAN. While the rules of the committee require that if one desires to read or present to the committee a prepared statement, the statement should be submitted to the committee 24 hours in advance of the anticipated time the witness will testify, this statement was not submitted within the time prescribed by the rules.

However, the Chair has read it and I am of the opinion that since it is simply raising a question of jurisdiction or rather propriety or proceeding, that the witness should be permitted to read the statement at this time, and unless there is objection on the part of the committee, that will be done.

Without objection, under the circumstances, and due to the nature of the statement, the committee will permit the witness to read it. You may proceed.

Mr. BRENNAN. Thank you, Mr. Chairman.

Mr. DURKIN (reading):

Gentlemen, I have been served with a subpoena under the seal of your chairman, the Honorable John L. McClellan, commanding my appearance before your committee. At the present time, I am defense named in indictments in the District Court of the United States of the Middle District of Pennsylvania.

These indictments are numbered respectively 12812, 12813, and 12378, criminal docket. I have also been convicted in the court of quarter sessions of Lackawanna County, Pa., on indictments returned there into No. 330, October term, 1955.

The verdict in this quarter session case is presently under attack by my counsel and a motion for a new trial has not yet been argued before the court.

At all times I have protested my innocence in that case. I have pleaded "not guilty" to each indictment in the United States district court. I have been advised that I would be prepared to go to trial within the very near future in at least some of the three cases in the United States District Court for the Middle District of Pennsylvania which are pending against me.

All four of these indictments have charged me with improper activities as a representative of organized labor. In order that my rights to have a fair and impartial trial will not be violated by future investigations and publicity by your honorable committee, in accordance with the opinion of the United States Court of Appeals for the First Circuit Court dated October 10, 1952, and reported as Delaney against United States 199, Federal second 107, I hereby protest any further investigation by your honorable committee concerning my activities as a representative of organized labor and I respectfully request this committee to defer further proceedings until after final disposition of the indictments presently pending against me on the ground that additional investigation and publicity by the committee at this time, relating to my alleged activities as a representative of organized labor can serve no other purpose, than to further prejudice my rights to a fair trial of the accusations against me.

In view of the above, I respectfully ask that this investigation, as far as it concerns my alleged activities, be deferred.

Respectfully,

JOHN A. DURKIN.

The CHAIRMAN. All right, Mr. Durkin, thank you very much. The Chair recognizes that where you are under indictments for specific offenses, that the committee should not go into those to any extent, or to such an extent at least that would in any way prejudice your right to make defense and to have a fair and impartial trial.

However, if we are to defer this investigation just because some people get indicted and are not able to pursue it until after all of those indictments may have run the processes of judicial procedure to a court of final decision, the committee would be seriously handicapped.

It is not the function of this committee to try to pass judgment upon the guilt or innocence of people, but to gather information on the records so that the Congress may be acquainted with, and have information regarding, conditions that may prevail in the labor-management field with a view to informing itself so that it may wisely and judiciously consider legislation that may, in its wisdom, be needed in that area.

So we shall proceed, but as any question may be asked you that might in the judgment of the committee in any way seriously impair your situation with respect to the trial that may be had, the further trials that may be had rather, we will try to guard against that.

As to the one upon which you are already convicted, these cases go to the appellate court and the Supreme Court on the basis of the record made at the trial, so I do not think that any testimony here would influence that court one way or the other on appeal of your case.

All right, Mr. Counsel, you may proceed.

Mr. BRENNAN. Mr. Chairman, just to keep the record completely straight, since the preparation of Mr. McHugh's letter, his case in the Court of Quarter Sessions of Lackawanna County has been argued. That happened a day or two ago. Consequently, that part of the letter should be corrected accordingly.

The CHAIRMAN. It has already been argued?

Mr. BRENNAN. Yes, it has not been decided but it is under consideration by the court. It had not been argued at the time the letter was prepared.

The CHAIRMAN. Thank you very much and the record insofar as the letter is concerned may stand corrected accordingly.

Mr. BRENNAN. Did I say "McHugh"? I meant Durkin.

The CHAIRMAN. I think that you said "McHugh."

Mr. BRENNAN. I am sorry, I meant Durkin.

The CHAIRMAN. The letter will be considered corrected accordingly.

All right, Counsel, proceed.

Mr. KENNEDY. As I understand it, Mr. Durkin, you are presently secretary-treasurer of the Teamster Local 229 and you are vice president of the Federation of Labor of Pennsylvania; is that right?

Mr. DURKIN. That is correct.

Mr. KENNEDY. Could you tell the committee a little bit about your background, where you came from originally?

Mr. DURKIN. In what respect?

Mr. KENNEDY. Where were you born?

Mr. DURKIN. I was born in Scranton, Pa., in 1906, December 17. I have been a resident of Scranton all of my life.

Mr. KENNEDY. Did you go to school there?

Mr. DURKIN. I went to what we call grammar school, the first eight grades, and I went to technical high school.

Mr. KENNEDY. In Scranton?

Mr. DURKIN. In Scranton, Pa.

Mr. KENNEDY. What did you do after you finished high school?

Mr. DURKIN. I worked inside an ice-cream plant as a dock man and a freezer man, an ice-cream freezer man and I went as a helper on a truck and then I became a driver.

Mr. KENNEDY. How long have you been a member of the teamsters union?

Mr. DURKIN. I have been a member of the teamsters union approximately since 1929 or 1927, and I don't know the exact date.

Mr. KENNEDY. Is that when you became a driver, that you became a member of the teamsters?

Mr. DURKIN. I was a driver 3 years prior to that.

Mr. KENNEDY. Then you became a teamster; is that right?

Mr. DURKIN. That's right.

Mr. KENNEDY. And you continued to drive trucks?

Mr. DURKIN. Yes, I continued to drive up until approximately 1942 or 1943.

Mr. KENNEDY. And then what did you do?

Mr. DURKIN. Then, I became secretary-treasurer.

Mr. KENNEDY. Of the teamsters?

Mr. DURKIN. Yes, sir.

Mr. KENNEDY. Local 229?

Mr. DURKIN. Yes, sir.

Mr. KENNEDY. And you have held that position since that time?

Mr. DURKIN. That's correct.

Mr. KENNEDY. And there has been an election how often? Every 2 or 3 years?

Mr. DURKIN. Well, it was every year; then it became every 3 years and then it became every 5 years.

Mr. KENNEDY. When did it become every 5 years? When was that agreed upon?

Mr. DURKIN. I am trying to remember. I am trying to refresh my memory. I believe that was in 1953 or 1952. I just can't recall.

Mr. KENNEDY. Was that the last election?

Mr. DURKIN. No, it wasn't the last election.

Mr. KENNEDY. When was your last election?

Mr. DURKIN. The last election was last year, for a trustee. You see, due to our trustee setup we generally, sometimes, may have elections every year or every 2 years when their term expires. The trustees were elected for 3 years on alternate years their term expires and they didn't all expire at the same time.

Senator IVES. Mr. Durkin, when is your present term up, and when does it expire?

Mr. DURKIN. Which term do you mean?

Senator IVES. Your term as secretary-treasurer, that is what you are now.

Mr. DURKIN. That expires I believe it is in 1958, 1958 or 1959.

Senator IVES. I thought you said it was a 5-year term.

Mr. DURKIN. It is.

Senator IVES. You were elected to that position in 1952 and am I wrong about that?

Mr. DURKIN. I just can't recall whether it was 1952 or 1953.

Senator IVES. 1953 would make it six years to run to 1959. Do your bylaws not cover the period of time for which you are elected, or your constitution?

Mr. DURKIN. Our international constitution.

Senator IVES. You do not know what it is?

Mr. DURKIN. Our international constitution states that we cannot be elected for any longer than 5 years. Now, it is a question of local autonomy whether you want to set it 1 year, or 2 years or 3 years, but no longer than 5 years.

Senator IVES. Now, what is your local autonomy that you are talking about there?

Mr. DURKIN. Setting of elections.

Senator IVES. What is that?

Mr. DURKIN. Setting up of the elections.

Senator IVES. That is determined locally when the election is and it has to be within a 5-year period, so you cannot have a term that extends beyond 5 years; is that right?

Mr. DURKIN. That is right, but you can also have it for 1 year, 2 years, or 3 years or 4 years, but not longer than 5 years.

Senator IVES. I understand that. Now, what is your terms of the trustees; how long is that?

Mr. DURKIN. That is 5 years.

Senator IVES. That is 5 years?

Mr. DURKIN. Yes, sir.

Senator IVES. And they were elected last year?

Mr. DURKIN. That is 5 years now since the 5-year term has been put in.

Senator IVES. Then you will be running again, or rather you have just been elected trustee, you said.

Mr. DURKIN. I can't quite follow you. I am not a trustee.

Senator IVES. What were you just elected to, and you were not just elected to secretary-treasurer. It was something else that you said you had been elected to.

Mr. DURKIN. Not I, Senator.

Senator IVES. You do not hold any other position except secretary-treasurer?

Mr. DURKIN. That is correct.

Senator IVES. You said you were vice president of the State federation.

Mr. DURKIN. Vice president; that is correct.

Senator IVES. When were you elected to that?

Mr. DURKIN. Two years ago. This is 1957; it was in 1956. I was elected in 1956.

Senator IVES. For a 2-year term?

Mr. DURKIN. That's right.

Senator IVES. Those are the only two positions you hold, secretary-treasurer of your local and vice president of the State federation?

Mr. DURKIN. I am financial secretary of the Scranton Central Labor Union.

Senator IVES. Well, you did not mention that before; did you? How long ago were you elected to that position?

Mr. DURKIN. First of all, I wasn't asked what positions I held. I was asked if I was the secretary-treasurer and a vice president of the State federation, and I said I was. Now, you just asked me what other positions, and I said I am financial secretary to the Scranton Central Labor Union.

Senator IVES. I am trying to find out when you were elected financial secretary of the Scranton Central Labor Union.

Mr. DURKIN. Approximately 3 years ago.

Senator IVES. You do not know?

Mr. DURKIN. I don't quite remember; 3 years ago I was elected.

Senator IVES. That is 1954, and you are sure about that?

Mr. DURKIN. I am not positive about that.

Senator IVES. Do you know when your term expires?

Mr. DURKIN. It expires this year.

Senator IVES. That expires this year?

Mr. DURKIN. Yes.

Senator IVES. Thank you.

Senator McNAMARA. While there is a break here, Mr. Chairman, is local 229 under trusteeship?

Mr. DURKIN. No, sir.

Senator McNAMARA. From the international?

Mr. DURKIN. No; it never was at any time.

Senator McNAMARA. It never was?

Mr. DURKIN. No, sir.

Senator McNAMARA. Thank you. That is all.

The CHAIRMAN. I do not quite understand. You say the international constitution provides that the local can determine the term of office, but it cannot exceed 5 years; is that correct?

Mr. DURKIN. That is correct.

The CHAIRMAN. What is the term of office as secretary-treasurer in local 229?

Mr. DURKIN. It is 5 years.

The CHAIRMAN. It is the full 5 years?

Mr. DURKIN. Yes, sir.

The CHAIRMAN. You do not know when you were last elected?

Mr. DURKIN. In 1953.

The CHAIRMAN. You were last elected in 1953?

Mr. DURKIN. To the best of my memory; yes, sir.

The CHAIRMAN. I think that we have that straightened out. The Chair would like to ask you, before we proceed further, this question: You state you have been convicted on 1 charge or 1 indictment. What was the charge in that indictment and what offense?

Mr. DURKIN. Conspiracy.

The CHAIRMAN. Conspiracy in connection with what incident?

Mr. DURKIN. North Main Avenue; the construction of a home.

The CHAIRMAN. I beg your pardon?

Mr. DURKIN. North Main Avenue, on the construction of a home on North Main Avenue.

The CHAIRMAN. Was that in connection with bombing or pushing down the wall?

Mr. DURKIN. That was with the bombing.

The CHAIRMAN. The dynamiting?

Mr. DURKIN. Yes.

The CHAIRMAN. Now, we have three others here. You were convicted on that one. You have three other cases against you. What are the charges in each of those cases?

(The witness conferred with his counsel.)

The CHAIRMAN. I am trying to get the record so we will know better how to interrogate you, and that is all I want. I want you to give us some guidance.

Mr. DURKIN. Those other indictments all concern the construction of the Tobyhanna Depot.

The CHAIRMAN. Construction of what?

Mr. DURKIN. The Tobyhanna Depot.

The CHAIRMAN. All three, the remaining on which you have not been tried?

Mr. DURKIN. That's correct.

The CHAIRMAN. Those concern the construction of the Tobyhanna Depot?

Mr. DURKIN. Yes.

The CHAIRMAN. All right. Now, then, Mr. Counsel, I think that we have the picture of it. Maybe we had better have a little further clarification about these other three indictments.

You say it is in connection with the construction of that depot. What are the charges in the indictment, so that we can get the record clear.

(The witness conferred with his counsel.)

The CHAIRMAN. Counsel, can you help us? In order to expedite this, if you can, representing your client, advise us of the nature of the charges, it will be helpful.

The committee will accept that, rather than testimony from the witness, so that we can expedite the matter.

Mr. BRENNAN. Two of the indictments charged violations of the so-called Hobbs antiracketeering statute.

The CHAIRMAN. That involved taking money.

Mr. BRENNAN. That is the charge, sir.

The CHAIRMAN. In other words, it is a conspiracy to take money, to fail to perform certain duties, or to perform acts beyond his authority; is that correct?

Mr. BRENNAN. The indictments contain what we call substantive counts, plus a conspiracy.

The CHAIRMAN. Now, that is two of them. What is the third one?

Mr. BRENNAN. That is one of them. The other two constitute or charge alleged violations of the Taft-Hartley Act.

The CHAIRMAN. In what respect?

Mr. BRENNAN. For a conspiracy to violate the Taft-Hartley Act in alleged taking of payments.

The CHAIRMAN. Taking of kickbacks and bribes?

Mr. BRENNAN. That is correct.

The CHAIRMAN. All right, then, Mr. Counsel, as far as we can, let us stay away from that and proceed to interrogate him about the other matters.

Mr. KENNEDY. Now, you say that your term of office was extended from 1 to 3 and then to 5 years?

Mr. DURKIN. Yes, sir.

Mr. KENNEDY. Was that just a feeling on the part of the membership that you should serve 5 years? Is that why? Did they vote on it themselves?

Mr. DURKIN. That was at what we call a special meeting, and that was posed at least 1 week prior to the meeting and action was taken on the extension of the terms.

Mr. KENNEDY. And it was agreed to at that meeting?

Mr. DURKIN. That's correct.

The CHAIRMAN. Was it a unanimous vote, do you remember?

Mr. DURKIN. To the best of my knowledge, it was.

The CHAIRMAN. Everybody thought that the term should be extended to 5 years?

Mr. DURKIN. To the best of my knowledge.

Mr. KENNEDY. How many members of your union were there at that time and how many came to the meeting?

Mr. DURKIN. Well, that meeting was held on Sunday, and I would say it was Sunday afternoon, approximately 300 or so.

Mr. KENNEDY. 300 members were there?

Mr. DURKIN. Yes, sir.

Mr. KENNEDY. And how many members of your union are there?

Mr. DURKIN. Well, right now we have approximately 3,000.

Mr. KENNEDY. So about 10 percent of the membership were there, is that right?

Mr. DURKIN. I would say 10 percent.

The CHAIRMAN. Was any notice sent out to any of the members stating that an important matter such as this was going to be taken up?

Mr. DURKIN. There were notices sent out to each place of employment that we have under contract, stating that the meeting would be held; yes, there were notices.

The CHAIRMAN. Those notices were sent out a week before?

Mr. DURKIN. Approximately a week before, and it might have been 10 days. And they were posted on the bulletin board for the members to read.

Mr. KENNEDY. Saying this matter would be taken up?

Mr. DURKIN. Yes.

Mr. KENNEDY. Now, Mr. Durkin, you still hold this position as secretary-treasurer of the teamster local 229, is that right?

Mr. DURKIN. I do.

Mr. KENNEDY. You are not a business agent, are you?

Mr. DURKIN. It is sort of business agent because I have a couple of crafts, and I take care of them. We have 3 departments and we have 3 business agents.

Mr. KENNEDY. How are they elected or how do they come into their position, the business agents?

Mr. DURKIN. They are elected.

Mr. KENNEDY. They are elected?

Mr. DURKIN. Yes.

Mr. KENNEDY. They have always been elected, have they?

Mr. DURKIN. Always.

Senator IVES. I would like to interrupt just a moment, Mr. Chairman.

Mr. Durkin insisted in reply to my question whether he held other positions that he held no other positions. How many more do you hold, that you are holding back on us? You suddenly become a business agent here after indicating you hold at least three others.

Mr. DURKIN. I am not holding back any.

Senator IVES. You did on me because I asked you definitely if you held anything else, and you said, "no."

Mr. DURKIN. As I say, I am listed on the letterhead as the secretary-treasurer.

Senator IVES. I do not care what you are listed as. I am trying to find out what position you hold, in the union, or in anything connected with the union. You told us all of them now?

Mr. DURKIN. Yes, sir; I am not holding back anything.

The CHAIRMAN. Start over and you name all of them, and if you have not been asked about them, name all of them anyway.

Mr. DURKIN. I am secretary-treasurer and business agent of the Teamsters Local 229. I receive one compensation for that job. I am also vice president of the Pennsylvania State Federation of Labor. I am financial secretary of the Scranton Central Labor Union.

The CHAIRMAN. Now, those four are all that you hold?

Mr. DURKIN. Yes, sir.

The CHAIRMAN. Were you elected a business agent?

Mr. DURKIN. They are both, mostly as I stated, that tag was put on as secretary-treasurer and business agent and it is a dual job and I was elected only as one job, as secretary-treasurer. I was elected definitely.

The CHAIRMAN. Do you have other business agents besides you?

Mr. DURKIN. We have two others.

The CHAIRMAN. And they are elected?

Mr. DURKIN. Yes, sir.

The CHAIRMAN. And are you trying to say that by reason of the fact that you are secretary-treasurer, you are an ex-official business agent?

Mr. DURKIN. I would say "yes."

The CHAIRMAN. Is that the relationship, and is that the way it comes about?

Mr. DURKIN. Yes, sir.

The CHAIRMAN. Is there anything in your constitution or bylaws that so provides?

Mr. DURKIN. No; it is just secretary-treasurer.

The CHAIRMAN. The bylaws only provide for secretary and treasurer?

Mr. DURKIN. That's correct.

The CHAIRMAN. So then, they do have one business agent that is not elected as such under the bylaws?

Mr. DURKIN. Well, as I stated, that tag was put on there as business agent.

The CHAIRMAN. I know the tag has been put on, but I want to know does your constitution provide for that tag to be put on in your bylaws, or is that just something that has been injected into the position since you were elected?

Mr. DURKIN. That is historical, even 20 prior to my time the secretary-treasurer was.

The CHAIRMAN. That has been the tradition of your local that whoever was secretary-treasurer was also ex officio so to speak, a business agent.

Mr. DURKIN. That is right.

The CHAIRMAN. Of the organization.

Mr. DURKIN. That is correct.

The CHAIRMAN. All right, and now I think we have it cleared up. Mr. Counsel, you may proceed.

Mr. KENNEDY. I want to ask you about some of the allegations that have been made regarding your activities, Mr. Durkin; that is, outside of the matters you are under indictment for, specifically on the Sonny Boy Bakery.

Mr. Schiavi has testified before the committee that on certain occasions you telephoned him and made some threatening statements to him during this period of time. Did you do that?

Mr. DURKIN. No, sir.

Mr. KENNEDY. Did you talk to him on the telephone at all?

Mr. DURKIN. No, sir.

Mr. KENNEDY. You never talked to him on the telephone?

Mr. DURKIN. The only one I talked to was his counsel.

Mr. KENNEDY. Just his counsel?

Mr. DURKIN. Just his counsel, yes, sir.

Mr. KENNEDY. And you never talked to him at all?

Mr. DURKIN. No, sir.

Mr. KENNEDY. So that those statements of Mr. Schiavi are not true?

Mr. DURKIN. That's correct.

Mr. KENNEDY. Now, Mr. Bradshaw has testified that you took a stink bomb out of the safe in your office and gave it to Robert Hubshman and told him to throw through the window of the Sonny Boy Bakery. Did you do that?

Mr. DURKIN. I did not.

Mr. KENNEDY. That is untrue?

Mr. DURKIN. That is untrue.

Mr. KENNEDY. So that Mr. Paul Bradshaw's testimony is erroneous, also; is that right?

Mr. DURKIN. That's correct.

The CHAIRMAN. Do you have any stink bombs in your place of business, in your headquarters of the local?

Mr. DURKIN. I do not.

The CHAIRMAN. Have you ever had?

Mr. DURKIN. Never had.

The CHAIRMAN. Then, if you never have had them there, he could not have gotten it there.

Mr. DURKIN. That's correct.

The CHAIRMAN. And if you did not have them there, then his testimony is false as to where he got the stink bomb?

Mr. DURKIN. That is correct.

The CHAIRMAN. And if he did get it there, then you are mistaken.

Mr. DURKIN. That's correct, sir.

The CHAIRMAN. All right. That is a sharp conflict.

Mr. KENNEDY. There has been testimony by Mr. Schiavi that he was harassed and there were telephone calls and his truck was turned over. Did you have anything to do with the telephone calls, the continuous number or group of telephone calls made to his home?

Mr. DURKIN. I did not. That was a legitimate stoppage or a strike and his employees voted for a strike by a secret ballot and we executed the strike because we had the secret ballot and I always instruct all of our people who are on strike, there be no violence and no violence of any kind or any type.

Mr. KENNEDY. Can you explain why—

The CHAIRMAN. That is rather intriguing. Can you tell me why such violence occurred up there, if those are the instructions?

Mr. DURKIN. I cannot tell you.

The CHAIRMAN. After it occurred, what did you do about it?

Mr. DURKIN. I asked them if they did it and they denied it.

The CHAIRMAN. I am asking you what did you do to try to find out who was causing the trouble. Here are people in the pursuit of a business getting along all right, apparently, and the issue comes up about organizing and then we have violence.

How can you explain it except somebody that was interested in trying to force them to join the union committed the violence.

Mr. DURKIN. I don't quite follow. Those men joined voluntarily.

The CHAIRMAN. But you had a strike about something and what was it?

Mr. DURKIN. To improve their economy conditions and improve their wages.

The CHAIRMAN. To improve their economic conditions. Whatever the purpose of it was, there was a controversy and issue between the union and between Schiavi and the union. Can you explain why violence had to attend those negotiations? Do you know anything about it?

Mr. DURKIN. No; I do not. I investigated and tried to find out who did it and I was unsuccessful in finding out who committed the violence.

The CHAIRMAN. Have you found out yet?

Mr. DURKIN. No; I have not.

The CHAIRMAN. You are not charged with violence in that instance?

Mr. DURKIN. I am not.

Senator IVES. Just a minute, Mr. Chairman, I do not understand this. Here is something that is an economic issue, the strike as I recall, and is that what there was at the time?

Mr. DURKIN. Yes; by secret ballot.

Senator IVES. And you claim that you do not know who was responsible for calling the strike? You do not know who these people were and you do not know anything about it, and you do not know where the responsibilities lie.

Here you are secretary-treasurer of the union, are you not, and is that union not responsible for the strike?

Mr. DURKIN. I am secretary-treasurer.

Senator IVES. You do not know anything about?

Mr. DURKIN. I do not know anything about what, sir?

Senator IVES. Who is responsible for calling the strike and who is responsible for the acts of violence around there.

Mr. DURKIN. I didn't say I didn't know who was responsible for calling the strike. I said the strike was instituted by a secret ballot of his employees, at a meeting held by me.

Senator IVES. And you do not know who was responsible for the violence?

Mr. DURKIN. That's correct, sir, and that I do not know who is responsible for the violence.

Senator IVES. I cannot understand it.

Mr. DURKIN. Well, if you had a little experience with human nature, when they were out of work—

Senator IVES. I have had plenty of experience with human nature, but not that kind of human nature.

Mr. KENNEDY. Did you ever try to find out who was causing the acts of violence, for instance, who turned the truck over?

Mr. DURKIN. I attempted to; yes, sir.

Mr. KENNEDY. Now, let us find out what you do, what steps did you take to find out who turned the truck over?

Mr. DURKIN. I called a meeting.

Mr. KENNEDY. You called a meeting?

Mr. DURKIN. Of the men involved that were on strike.

Mr. KENNEDY. Yes?

Mr. DURKIN. And I asked them if any of them did it, and they denied it in that and they denied everything to do with it.

Mr. KENNEDY. Did you take any other steps when everybody said they did not do it?

Mr. DURKIN. No, I did not.

Mr. KENNEDY. Did you get in touch with the police?

Mr. DURKIN. No.

Mr. KENNEDY. Did you get in touch with the attorney for Mr. Schiavi?

Mr. DURKIN. No, I did not.

Mr. KENNEDY. Did you try to find out if there were any witnesses?

Mr. DURKIN. No, I did not.

Mr. KENNEDY. Did you talk to the policeman whose picture it was they had next to the overturned truck?

Mr. DURKIN. I beg your pardon.

Mr. KENNEDY. Did you talk to the policeman whose picture was next to the overturned truck?

Mr. DURKIN. No, I did not.

Mr. KENNEDY. Why didn't you take any of those steps if you were trying to find out?

Mr. DURKIN. I assumed that was the activity of—the police should take that.

Mr. KENNEDY. But you said you were trying to find out who did it in your union and you were going to take steps against them.

Mr. DURKIN. Of our people, yes.

Mr. KENNEDY. What is that?

Mr. DURKIN. Of the people involved.

Mr. KENNEDY. Why didn't you try to do that and why didn't you contact the police?

Mr. DURKIN. I didn't think it was my duty to contact the police.

Mr. KENNEDY. I thought you were interested—in answer to Senator McClellan's and Senator Ives' questions—I thought you were interested in finding out who committed the acts of violence.

Mr. DURKIN. I was.

Mr. KENNEDY. Why didn't you make an inquiry, other than of the men that did it?

Mr. DURKIN. Again, I don't like to repeat myself, but I thought that should be the duty of the police department to do that.

Mr. KENNEDY. Let me go on to another matter.

When the windshield of Mr. Lyon was kicked in by Mr. Hubshman, what action did you take against Mr. Hubssman, other than to pay \$12 for the windshield?

Mr. DURKIN. I have to say this, that I am not too much familiar with that case. That was handled by the other busines agent. We have three busines agents.

Mr. KENNEDY. Mr. Durkin, you are secretary-treasurer of the union and you must have been interested in it. In answer to Senator McClellan and Senator Ives you said you were interested. What action did you take in those cases? What action did you take when the man admitted that he kicked the windshield in?

Mr. DURKIN. I didn't take any action.

Mr. KENNEDY. What action did you take in any of these cases? What action did you take against the members of the union who confessed to the dynamiting? They were all teamsters. What action did you take in that case?

Mr. DURKIN. I didn't take any action.

Mr. KENNEDY. You did not take any action in any case, did you?

Mr. DURKIN. Only in the Schiavi. That is the case I was directly involved in.

Mr. KENNEDY. The only action you took in that was to bring them in and ask if they had done it.

Mr. DURKIN. That's correct.

Mr. KENNEDY. And they said they had not done it?

Mr. DURKIN. Yes, sir.

Mr. KENNEDY. Who did you think had done it, then?

Mr. DURKIN. I haven't got any idea.

Mr. KENNEDY. What about the stink bomb? What did you find out about the stink bomb when that was thrown through the window?

Mr. DURKIN. I asked them at the same time. I called the meeting later on and at the same time I asked them about the truck.

Mr. KENNEDY. You said, "Who threw the stink bomb in and I said who"—

Mr. DURKIN. Who was committing all of that violence.

The CHAIRMAN. Let the Chair ask you a question. Suppose someone had answered and said, "I did it," a member of the union. What would you have done about it?

Mr. DURKIN. Well, I would have reported it as far as I was concerned.

The CHAIRMAN. You would what?

Mr. DURKIN. I would report it to the police.

The CHAIRMAN. You would report it to the police?

Mr. DURKIN. Yes.

The CHAIRMAN. Would you take no action to discipline a member for such acts?

Mr. DURKIN. I have no authority to do that.

The CHAIRMAN. You have no authority and you have authority to keep them from working, do you not?

Mr. DURKIN. No, I do not.

The CHAIRMAN. Well, you have kept or your union has kept the husband of Bradshaw's sister, Mr. Kollra, from working for a couple of years, have you not?

Mr. DURKIN. No, we have not.

The CHAIRMAN. Have you given him any work?

Mr. DURKIN. Since 1947, since the inception of the Taft-Hartley Act, our members seek employment any place and the employer hires whoever he so desires.

The CHAIRMAN. Does the business agent not assign them out to special jobs?

Mr. DURKIN. Not that I can recall. I don't handle construction. We have three departments up there and each business representative handles that.

The CHAIRMAN. We have a situation here where violence was committed and where you are bound to have known of it, and with some of your members confessed to it and are now under sentence for it, and we have situations like that and what have you done about it?

Mr. DURKIN. I haven't done anything.

The CHAIRMAN. Have you condoned it?

Mr. DURKIN. I don't condone it, but I cannot tell an employer that he cannot hire certain employees.

The CHAIRMAN. Perhaps you cannot tell him that, but you do not have to keep in your union people who resort to such tactics, do you? You are under no compulsion to do that.

(The witness conferred with his counsel.)

Mr. DURKIN. If any member tenders his dues to the bookkeeper, to our office men, he must accept it. If he does not accept it, we cannot remove that individual from the job.

The CHAIRMAN. Let me ask you this: Do you have any policy or provision in your constitution and bylaws to discipline your members for violence?

Mr. DURKIN. We are guided by the international constitution.

The CHAIRMAN. I did not understand you.

Mr. DURKIN. We are guided by the international constitution.

The CHAIRMAN. I did not ask you what you were guided by. I said, do you have any provisions in your bylaws to discipline members who commit violence?

(The witness conferred with his counsel.)

Mr. DURKIN. If we have any accusations against a member and if there are any accusations against any member, he is called in before our local executive board and given a fair and impartial trial and if he is found guilty, then we can either refuse to have him pay dues and if we do refuse to accept dues from him we still cannot remove him from his job.

The CHAIRMAN. I have a different idea about that. If you can strike against someone to sign a contract, you can strike against a man who will give him a job, if he was ordered not to, because of misconduct of that character.

We have a situation here where these acts have been committed and men have pleaded guilty to the charge, to the offense, and members of the union. Now, you say when you have a charge you call them in and give them a trial. Have you called any of these men in and tried them?

Mr. DURKIN. No; we have not.

The CHAIRMAN. Why? You have a confessed criminal here now, and people who have actually committed the acts and confessed in a court of law. And they have been sentenced for it. You say if you had a charge you would call them in and try them. What have you done about these who were confessed criminals?

Mr. DURKIN. We didn't call them in. We held a discussion with our executive board and under the Taft-Hartley, to the best of my knowledge, if we do refuse to collect any dues from a man who tenders his dues, we cannot remove him from the job. If we do remove him from

the job there is the possibility that the union, in return, can be sued for every day that he loses of work. That is because he tendered his dues to the bookkeeper. That is the knowledge, I have.

The CHAIRMAN. This man Kollra paid his dues for several months and you would not give him any work. He continued paying.

Mr. DURKIN. He had the privilege to come in and take a withdrawal card and discontinue paying dues and we do not tell them to come in and pay dues and they so desire of their own free will. They can take a withdrawal card. It states right in our rules that you should, upon leaving your place of employment, secure a withdrawal card, so that you would not have to pay dues.

Senator IVES. May I ask a question there? I understand that one of those who were guilty and convicted and sentenced to jail has now completed his sentence and he is back. He paid up his dues and he is now a member again in good standing of your union? What action has been taken against him by your union, in the light of what you have said?

Mr. DURKIN. None.

Senator IVES. His name is George Murphy. I believe that is the name. What have you done about him?

Mr. DURKIN. We haven't done anything. It is on the same principle that he tenders his dues and if we refuse to takes his dues, we still cannot remove him from his job.

The CHAIRMAN. When he gets out of a job, you do not have to give him another one, do you?

Mr. DURKIN. We didn't. We didn't give him any job and he secured that job himself. As I stated, under the open shop, they secure their own employment. The employer has the right to so choose his own employees.

Mr. KENNEDY. Do you have to take anybody into the union, Mr. Durkin?

Mr. DURKIN. We do not have to take anybody into the union. But we cannot, and if we don't they are riding free, and they are not paying for their benefits that they receive from the union and the negotiation of increases. They are riding as we so term, "free." But we don't have to take them in. But we still cannot remove them from the job.

Senator IVES. That is right, you cannot remove them from the job, but you do not have to take them in. Under the Taft-Hartley Act you do not have to take them in.

Mr. DURKIN. That is correct, sir.

Senator IVES. I want to get that clear and you cannot stop them from having a job.

Mr. DURKIN. That's correct, sir.

Senator McNAMARA. I would like to ask the witness a question, what you meant by referring to open shop, Is your operation an open shop organization or are you referring to the provisions of the Taft-Hartley Act?

Mr. DURKIN. I am referring to the provisions of the Tart-Hartley Act.

Senator McNAMARA. Do you have to force individuals to join your union, and do they generally come around seeking admission?

Mr. DURKIN. They generally come around seeking admission. We have, as we term, maintenance of membership in quite a few agreements.

Senator McNAMARA. Thank you.

Mr. KENNEDY. I am not completely clear on it. If you have somebody that you do not want in the union, can you get rid of him?

Mr. DURKIN. We can.

Senator IVES. You can expel them, Mr. Chairman, and they can expel them for cause, under the Taft-Hartley Act.

Mr. DURKIN. When you say "get rid of him" if we do not take them and accept them in the union, we have no reasons to get rid of them.

Mr. KENNEDY. Say, someone is in the union and you want to get rid of him because he has committed some act, and say, he is a Communist; or say he has blown up a building, or he has stolen secrets from the United States Government and turned them over to Russia. Could you get rid of him as a teamster?

Mr. DURKIN. The same provisions.

Mr. KENNEDY. Could you answer the question.

Mr. DURKIN. No; we cannot.

Mr. KENNEDY. He is going to remain a teamster?

Mr. DURKIN. As long as he tenders his dues.

Senator IVES. You are wrong on that. You can expel him.

Mr. DURKIN. We could expel him but you have got me a little confused. We can expel him, but we cannot remove him from his employment.

Mr. KENNEDY. Can you get rid of him from the teamsters?

Mr. DURKIN. We can expel him.

Mr. KENNEDY. Did you take any steps to expel the men who confessed to blowing up this building?

Mr. DURKIN. We did not.

Mr. KENNEDY. You did not?

Mr. DURKIN. No.

Mr. KENNEDY. Could you tell the committee why? Do you not consider that a sufficient act to expel him from the union?

(The witness conferred with his counsel.)

Mr. KENNEDY. I am sure he would know the answer, Counsel.

Mr. DURKIN. Well, I was of the opinion, due to the fact they had paid their debt to society and served 9 months in jail, I thought that was penalty enough for them and that we shouldn't attempt to deprive them from making a livelihood.

The CHAIRMAN. Do you feel the same way about it if your conviction is upheld and you go serve your time, do you think then, you should come back and occupy the position that you now occupy?

Mr. DURKIN. I am still of the opinion and I know I am innocent.

The CHAIRMAN. I understand, but assume that you are convicted. Some of those convicted, you know, are guilty.

There may be some innocent, too, but some of them are guilty and assuming one is guilty and goes and serves his term, do you think then, he should hold an official position such as you hold in this union?

Mr. DURKIN. He is an elected position and the rank and file has the privilege to say whether he should be reelected or not.

The CHAIRMAN. All right; proceed.

Mr. KENNEDY. You do not think that you should resign from your position?

Mr. DURKIN. No; I do not.

Mr. KENNEDY. And you have not heard from Dave Beck or any of his colleagues that they want to get rid of you because of the fact that you have been convicted of dynamiting this home?

Mr. DURKIN. I at no time was convicted of dynamiting any home.

Mr. KENNEDY. Conspiracy to sabotage; is that it?

Mr. DURKIN. On conspiracy.

Mr. KENNEDY. It is connected with the dynamiting; is that right?

Mr. DURKIN. Yes.

Mr. KENNEDY. Have you heard from Mr. Dave Beck or any of his colleagues that they want to get rid of you for being convicted of conspiracy involved with this dynamiting?

Mr. DURKIN. I did not hear, due to the fact that the case is still pending. We are asking for an appeal. I assume if the new hearing is turned down——

Mr. KENNEDY. You have been convicted, have you not?

Mr. DURKIN. Yes, sir.

Mr. KENNEDY. And there was a jury?

Mr. DURKIN. Yes.

Mr. KENNEDY. And they voted you guilty?

Mr. DURKIN. Yes, sir.

Mr. KENNEDY. Since that time, have you heard from Dave Beck or any of the higher members of the teamsters, that you should no longer hold that position?

Mr. DURKIN. No; I have not.

Mr. KENNEDY. Did you take any action against Joseph McHugh and John Nallin when they pleaded guilty to unlawfully and maliciously threatening to do harm to the person of William Lyon and threats of endangering or hurting a body? Did you take any action against them, when they threatened Mr. William Lyon, a driver?

Mr. DURKIN. I did not. I don't know whether I pleaded guilty or how I pleaded.

Mr. KENNEDY. The teamsters sent a check for \$12 representing the payment of costs instituted by William Lyon against John Nallin and Joseph McHugh.

Mr. DURKIN. The teamsters sent the check?

Mr. KENNEDY. I don't know that. But isn't Nealon the attorney for the teamsters?

Mr. DURKIN. That is correct, sir. He is.

Mr. KENNEDY. Did you take any action against them?

(The witness conferred with his counsel.)

Mr. DURKIN. No, I did not. The teamsters, I don't believe—in fact, I know the teamsters didn't pay that.

Mr. KENNEDY. Let us assume that they didn't. These were two teamsters, Joseph McHugh is a teamster, is he not?

Mr. DURKIN. He is.

Mr. KENNEDY. Did you take any action against him?

Mr. DURKIN. No.

Mr. KENNEDY. And John Nallin is a teamster?

Mr. DURKIN. No.

Mr. KENNEDY. Is he a teamster?

Mr. DURKIN. He is a teamster; yes.

Mr. KENNEDY. Did you take any action against him?

Mr. DURKIN. No, I did not.

Mr. KENNEDY. Mrs. Kollra has testified before the committee——

Senator McNAMARA. Before you leave that line of questioning, I have a question.

Since we are assuming a lot of things, assume that you were to take action, what would you do? Would you just as a member prefer charges against them before the executive committee or something like that?

Mr. DURKIN. That would be the procedure. I would have to prefer written charges to the executive board.

Senator McNAMARA. You have no more right than any other member? As an officer, you might have a little more influence, but this is the procedure established, is it not, in your organization?

Mr. DURKIN. That is correct. I have no power to remove anybody. All I do is prefer charges, and the executive board, which is considered the trial board, hears it. I cannot do it alone.

Senator McNAMARA. This is so established in your constitution?

Mr. DURKIN. Correct.

Senator McNAMARA. And any member can prefer charges?

Mr. DURKIN. Correct.

Senator McNAMARA. It does not have to be an official?

Mr. DURKIN. Any member can prefer charges.

Senator McNAMARA. But that has not been done?

Mr. DURKIN. That has not been done.

Senator McNAMARA. All right.

Mr. KENNEDY. Mr. Schiavi also testified that the milk deliveries to his home were cut off. Do you know anything about that?

Mr. DURKIN. Well, I heard about it. The picket line was on, was being carried by one of his employees who were on strike, and in the milk contract it has that a man shall not be compelled to pass a picket line. I assume that the milkman being a member of the same local, when he saw the picket line, he just kept on going. He didn't go through the line.

Mr. KENNEDY. He had a picket line at his home, did he?

Mr. DURKIN. His home is in the rear of his bakery, and the picket line, and this is another assumption, evidently the milkman evidently delivers through the front driveway.

Mr. KENNEDY. They are not all the same building, are they?

Mr. DURKIN. No. I said his home was in the rear of the bakery.

Mr. KENNEDY. So there wasn't any question that the milk was being delivered to his home, not to the bakery.

Mr. DURKIN. I do not know.

Mr. KENNEDY. Well, they were bringing the milk to his home, Mr. Durkin. They weren't bringing the milk to the bakery.

Mr. DURKIN. Again, honestly, I do not know where they were bringing it.

Mr. KENNEDY. What do you know about the stopping of the deliveries to his home? You say you knew about that?

Dr. DURKIN. I heard about it.

Mr. KENNEDY. Did you take any steps to make sure that the milk was delivered to his home?

Mr. DURKIN. No, I did not, because the man so desired, as a personal individual, as an individual, to honor and respect the picket line. I wasn't going to force him to go through the picket line.

Mr. KENNEDY. It is not a picket line of his home. It is a picket line of the bakery.

Mr. DURKIN. It is the way the milkman made the deliveries, I assume.

Mr. KENNEDY. Did you not tell him, then, that he was wrong, that he should deliver the milk to the home where there were children, Mr. Durkin? Did you not tell him to go in and deliver the milk to the home?

Mr. DURKIN. No, I did not.

Mr. KENNEDY. You didn't do that either?

Mr. DURKIN. No, I didn't.

Mr. KENNEDY. Mrs. Kollra has testified before the committee—

Mr. DURKIN. Pardon me. If I may, as I stated, on as far as the milk, I heard about it and at a later date. I didn't know at that present time that the milkman wasn't going through.

Mr. KENNEDY. Did you hear about Mr. Duchnowski being punched in the mouth by Mr. Hubshman?

Mr. DURKIN. No, I did not.

Mr. KENNEDY. You did not hear anything about that?

Mr. DURKIN. No, I didn't.

Mr. KENNEDY. And all the telephone calls to Mr. Genova?

Mr. DURKIN. No, I did not.

Mr. KENNEDY. You did not know anything about that?

Mr. DURKIN. I did not.

Mr. KENNEDY. Do you know Mr. Nealon, who defended Mr. Hubshman? Do you know him?

Mr. DURKIN. Yes.

Mr. KENNEDY. You must have been aware of the fact that he punched Mr. Duchnowski.

Mr. DURKIN. You say I know Nealon, but I didn't know of him defending Hubshman.

Mr. KENNEDY. You did not know of that?

Mr. DURKIN. I just can't recall.

Mr. KENNEDY. These things were all going on in your union, Mr. Durkin. Why would you not know about these things?

Mr. DURKIN. Sometimes I have other activities to be doing. That is why we have two other business agents also. I cannot properly police the whole rank and file as one individual.

Mr. KENNEDY. I wouldn't expect that. But when there is a court case, and when this thing is a matter of some notoriety, I would think that you would keep yourself advised of what was going on.

Mr. DURKIN. Well, not necessarily. I could be out of town.

Mr. KENNEDY. Mrs. Kollra has testified that she had a conversation with you, and you stated at that time that Bradshaw was too hot-headed and that he should have kept quiet, and that you and the other unions were raising \$10,000 for him. Is that true?

Mr. DURKIN. That is not true.

Mr. KENNEDY. That is false, too, is that right?

Mr. DURKIN. That is correct.

Mr. KENNEDY. So Mrs. Kollra was not telling the truth before this committee?

Mr. DURKIN. That is correct.

Mr. KENNEDY. And Mrs. Kollra also testified that the individuals who dynamited the Ruby home were told not to use dynamite. Did you tell her that?

Mr. DURKIN. No, sir, I did not.

Mr. KENNEDY. And that you told her, Mrs. Kollra also testified that you told her, that they were told to saw the beams of the foundation of the home but not to use dynamite.

Mr. DURKIN. I did not tell her that.

Mr. KENNEDY. She just came before this committee and gave that false testimony, is that right?

Mr. DURKIN. That is correct, sir.

Mr. KENNEDY. Have you had a conversation with her at any time?

Mr. DURKIN. I had a conversation with her. But as she stated, my office is open to all the rank and file members. She came in and asked for me, and I left her in.

Mr. KENNEDY. But none of this took place?

Mr. DURKIN. That is correct, sir.

Mr. KENNEDY. What did she want to see you about?

Mr. DURKIN. She wanted to see me about employment for her husband, and I said, "Well, I thought he was working" and she said "No, he is laid off." I said, "Well, to the best of my knowledge, again, I still thought he was working. I will have to see the business agent involved and see the reason why he was laid off, whether it was the completion of the construction job which was responsible for the layoff or what was the reason."

Mr. KENNEDY. What reason did you find out?

Mr. DURKIN. That it was the completion of the construction part of the job that he was on, that they did not need the pickup truck any more.

Mr. KENNEDY. Did you arrange for him to get a job at a later time?

Mr. DURKIN. I never arranged for him to get a job at any time.

Mr. KENNEDY. Well, to make sure that he was going to get back to work, as Mrs. Kollra asked you, at the next construction job where they needed a pickup truck so he could go back to work?

Mr. DURKIN. I do not have jurisdiction—when I say jurisdiction on a construction job that is the department of the other business agent.

Mr. KENNEDY. Do you think it is peculiar that he hasn't been able to get a job in 2 years?

Mr. DURKIN. There is nothing peculiar about that in the Scranton area now on construction. There is quite a number unemployed. You can come up to our office and you will see anywhere from 10 to 20 names there looking for assignment.

Mr. KENNEDY. You think it was just a coincidence that he was able to get employment up to the time that his brother-in-law had a dispute with the teamsters and since that time he hasn't been able to get any employment? You think that is just a coincidence?

Mr. DURKIN. I don't quite follow you, sir.

Mr. KENNEDY. Can you explain why he was able to get employment up to the time that his brother-in-law had a dispute with you, and since that time he has not been able to get a job?

Mr. DURKIN. Well, the pipeline job that he was on was after this.

Mr. KENNEDY. Well, for 2 months he has been employed in 2 years. Can you give any explanation to the committee why he hasn't been able to get a job?

Mr. DURKIN. No; I have not. Maybe his age may be against him, too. Again, as I said, the employer hires who he so desires under the open shop. I have been in the practice of telling some of our people that the union does not guarantee them employment because they become a member. The employer hires whoever he so desires, and we don't guarantee them a job for life because they became a member of the teamsters' union.

Mr. KENNEDY. What is your salary, Mr. Durkin?

Mr. DURKIN. My salary is \$149.41 per week.

Mr. KENNEDY. And what about your expenses?

Mr. DURKIN. My expenses? They are \$75 per month.

Mr. KENNEDY. That is all the expenses you get?

Mr. DURKIN. Plus other convention. If you are a delegate to a convention, an elected delegate, you get your expenses.

Mr. KENNEDY. Do you get your actual expenses?

Mr. DURKIN. Per diem.

Mr. KENNEDY. You get a per diem?

Mr. DURKIN. Yes.

Mr. KENNEDY. How much is your per diem?

Mr. DURKIN. \$35 per day.

Mr. KENNEDY. Who do you get that from?

Mr. DURKIN. It is passed at the meeting, what the expenses are.

Mr. KENNEDY. Who gives you the money? Do you get it from your 229?

Mr. DURKIN. 229.

Mr. KENNEDY. Do you have any other source of income other than the teamsters' salary?

Mr. DURKIN. Well, as the State federation vice president, whenever there is any special sessions, as we call them, executive sessions, you get your expenses.

Mr. KENNEDY. Do you have any other source of income other than the moneys that you get from the union as your salary or expenses from 229, or your expenses as a vice president of the Federation of Labor of Pennsylvania?

Mr. DURKIN. No.

Mr. KENNEDY. You have no other source of income, no stocks or anything, no interest?

Mr. DURKIN. This may sound peculiar, but my wife handles all of that. I believe I may have six shares, between my wife and myself, of Pennsylvania Power & Light. That was formerly the Scranton Electric Co. That is where we bought them, maybe 10 or 12 years ago. That is all the stock I have. That is dually held between my wife and myself.

Mr. KENNEDY. Are you connected with any other businesses?

Mr. DURKIN. No; I am not.

The CHAIRMAN. Senator Ives?

Senator IVES. Mr. Durkin, as I recall, I read in the paper about a month or so ago of a robbery up there of the local treasury, was it, that got robbed, involving \$2,000?

Mr. DURKIN. The day's receipts; yes, sir. That is correct.

Senator IVES. That is the day they came in. It was right after that, was it not, that they were robbed; after they had been collected? I will get here where you can hear me. It was right after they were received that your treasury was robbed of them, was it not?

Mr. DURKIN. I don't follow you. I think I am a trifle hard at hearing. What was the beginning of your question please?

Senator IVES. I think you had a robbery, did you not, in your local up there, your union?

Mr. DURKIN. That is correct, sir.

Senator IVES. That was about a month ago or something like that?

Mr. DURKIN. Yes, sir.

Senator IVES. You lost about \$2,000?

Mr. DURKIN. Approximately; yes.

Senator IVES. Something like that. Did you lose any records in that robbery?

Mr. DURKIN. We did not; not one single record.

Senator IVES. Was it covered by insurance?

Mr. DURKIN. It is covered by insurance.

Senator IVES. You did not lose any money, actually?

Mr. DURKIN. Well, there is a technicality, and we are waiting for the—

Senator IVES. Is it being investigated?

Mr. DURKIN. Yes, sir.

Senator IVES. And every effort is being made to apprehend the criminals?

Mr. DURKIN. That is correct, and I hope he is apprehended, because it would clear a lot of atmosphere up there.

Senator IVES. I just wanted to find out what you are doing about it.

Mr. DURKIN. I hope he is apprehended.

Senator IVES. You say you hope he is apprehended. Who is "he"?

Mr. DURKIN. Whoever it is. I assume it is a man.

Senator IVES. It might be several, as far as that is concerned. Do you have any idea who it is?

Mr. DURKIN. No; I have not.

Senator IVES. I was curious when you said "he."

Mr. DURKIN. I assume women do not go out doing that.

Senator IVES. Well, it might have been "they."

Mr. DURKIN. Well, "they," then.

Mr. KENNEDY. What was the technicality?

Mr. DURKIN. On our insurance that we carry, it is \$3,000 in and \$3,000 out. As they explained it to me, that \$3,000 out means anybody in my office, a secretary, taking the deposit to the bank, or myself, we are the only 2 that takes it to the bank, if we are held up, we are insured for \$3,000. When we secured the insurance quite a few years ago, they looked at the safe to see if it was so-and-so, and this money was not in the safe. After the day's receipts of the bookkeeper, he put it in what we call our Shaw cabinet there, our fireproof cabinet that we keep our records of the cards of our members in there, and he locked it up. I wasn't around that evening at 5 o'clock when he closed.

It was broken. That lock was sprung. Those cabinets as I say, we keep our records from our members in there, and they are really important. In case of fire or anything, if we lose those records, we are in pretty bad shape. Those cabinets run around two or three hundred dollars apiece, and that is where the money came out of. That is where the technicality is with the insurance company, because it was in there instead of the safe where they should be.

The CHAIRMAN. Did it occur at night?

Mr. DURKIN. It occurred in between the hours of 5 p. m., and 8 a. m. the next morning.

The CHAIRMAN. Had that been your custom, to keep your money out in those fireproof safes rather than in the money safe?

Mr. DURKIN. Definitely. When I am not around, he always puts it in there, and he turns it over to me the next day in an envelope with all the data on it.

The CHAIRMAN. The technicality is the carelessness in handling the money? That is what it actually amounts to.

Mr. DURKIN. I wouldn't say that. I am the only one that has the safe combination. Due to the fact that I was the only one, the book-keeper could not put it in, and that has been the practice, of putting it in that cabinet, for, I would say, approximately since we got them cabinets. Prior to that, he used to put it in another filing cabinet. I wouldn't say that was carelessness.

The CHAIRMAN. I though maybe the insurance company was raising that question.

Mr. DURKIN. That is the possibility.

The CHAIRMAN. That is what I thought the technicality was.

Mr. DURKIN. Well, it wasn't in the safe. It is because it wasn't in the safe.

(At this point, Senator Mundt entered the hearing room.)

The CHAIRMAN. Proceed.

Mr. KENNEDY. There are also several other acts of violence in Scranton allegedly made by teamsters, such as pushing over the wall of the Denny home. Did you take any steps to investigate that?

Mr. DURKIN. When you say the teamsters, that was the building trades.

Mr. KENNEDY. Yes, but it was allegedly carried out by teamsters, is that correct?

Mr. DURKIN. I didn't have anything to do with it, and I don't know anything about it, sir.

Mr. KENNEDY. Did you make an investigation of it?

Mr. DURKIN. No, I did not.

Mr. KENNEDY. Aren't there some teamsters under indictment for it now?

Mr. DURKIN. Yes, there are.

Mr. KENNEDY. Have you made any investigation?

Mr. DURKIN. No, I haven't.

Mr. KENNEDY. You do not look into any of these things?

Mr. DURKIN. No, I do not.

Mr. KENNEDY. And you are secretary-treasurer of Teamster Local 229?

Mr. DURKIN. That is correct.

Mr. KENNEDY. And vice president of the Federation of Labor of Pennsylvania?

Mr. DURKIN. That is correct.

The CHAIRMAN. Are there any other questions?

If not, the witness may stand aside.

Call the next witness.

(Members present at this point: Senators McClellan, Ives, McNamara, and Mundt.)

Mr. KENNEDY. Joseph McHugh.

The CHAIRMAN. You were sworn yesterday.

TESTIMONY OF JOSEPH McHUGH, ACCOMPANIED BY JOSEPH P.
BRENNAN—Resumed

The CHAIRMAN. Mr. McHugh, you were sworn as a witness yesterday before the committee, were you?

Mr. McHUGH. Yes, sir.

The CHAIRMAN. At that time you gave your name, your place of residence, and also your business or occupation, did you not?

Mr. McHUGH. Yes, sir.

The CHAIRMAN. You will remain under the same oath today as you testify before the committee.

At that time, you requested that your testimony be deferred until this morning, so that you might have your counsel present?

Mr. McHUGH. Yes, sir.

The CHAIRMAN. And that request was granted.

Your counsel is present. He may identify himself for the record.

Mr. BRENNAN. My name is Joseph P. Brennan, practicing attorney from Scranton, Pa.

(At this point, Senator Ives withdrew from the hearing room.)

The CHAIRMAN. Thank you very much.

Proceed.

Mr. KENNEDY. Mr. McHugh, you are a business agent for Teamster Local 229?

Mr. McHUGH. Yes, sir.

Mr. KENNEDY. That is in Scranton, Pa.

Could you tell us a little bit about your background, where you were born?

Mr. McHUGH. I was born in Scranton.

Mr. KENNEDY. What year?

Mr. McHUGH. 1905.

Mr. KENNEDY. Have you lived in Scranton since then?

Mr. McHUGH. June 7, 1905. I lived in Scranton all my life.

Mr. KENNEDY. Did you go to school in Scranton?

Mr. McHUGH. Yes, sir.

Mr. KENNEDY. To what grade?

Mr. McHUGH. The eighth grade.

Mr. KENNEDY. You left in what?

Mr. McHUGH. Well, I done plant work, when I got out of school or going to continuation school, helping on trucks, driving trucks, and that is practically all I done all my life.

Mr. KENNEDY. When did you start driving a truck?

Mr. McHUGH. When I was about 17 years old, 16 or 17.

Mr. KENNEDY. And when did you become a member of the teamsters union?

Mr. McHUGH. 1932, 1932 or 1933.

Mr. KENNEDY. Have you been with the teamsters ever since?

Mr. McHUGH. Yes, sir.

Mr. KENNEDY. When did you become a business agent?

Mr. McHUGH. 1941, the end of 1941.

Mr. KENNEDY. You were elected in 1941?

Mr. McHUGH. Yes, sir.

Mr. KENNEDY. What was the term of office at that time?

Mr. McHUGH. One year.

Mr. KENNEDY. How long did it remain 1 year?

Mr. McHUGH. Until 1947, 1947 or 1948. At that time it was extended to 3 years.

Mr. KENNEDY. What is the term of office now?

Mr. McHUGH. Five years.

Mr. KENNEDY. And you are still an elected officer?

Mr. McHUGH. Yes, sir.

Mr. KENNEDY. When was it extended to 5 years?

Mr. McHUGH. In 1953, by action of the executive board it was submitted to three regular meetings, and notices were posted around.

Mr. KENNEDY. Notice was posted?

Mr. McHUGH. Yes, sir.

Mr. KENNEDY. So you are now in office for 5 years?

Mr. McHUGH. Yes, sir.

Senator MUNDT. What do you mean notice was posted. Did the membership vote on it?

Mr. McHUGH. Yes, sir. Approved of the recommendation of the executive board.

Senator MUNDT. Notice was posted that a meeting was to be held to approve of the extension of a 5-year program?

Mr. McHUGH. That is right, and some other changes in the by laws at that time.

Senator MUNDT. And they had a meeting and about how many people attended the meeting at which the change was approved?

Mr. McHUGH. All told, at the three meetings—the first meeting, the concurrence was carried over. We hold 3 meetings a month, not 2 meetings, the first and fourth Tuesday and the third Sunday. The action was concurred in at the first Tuesday night meeting, which we consider a regular meeting. Then on the third Sunday we have an over-the-road meeting that all the freight men attended and it was approved at that meeting.

Senator MUNDT. You did not answer my question, Mr. McHugh. The question was how many members attended the meetings?

Mr. McHUGH. At the two meetings, I would say in the neighborhood of seven or eight hundred.

Senator MUNDT. At each meeting?

Mr. McHUGH. No, at the two meetings. I would say about 300 to 350 men at each meeting.

Senator MUNDT. How do they vote at these meetings, by a show of hands, by a division, by an aye vote, as we do in the Senate, or secret ballot?

Mr. McHUGH. The recommendation is read off and it is proposed to the membership and they concur in it or turn it down.

Senator MUNDT. In an oral vote?

Mr. McHUGH. Yes, sir.

(The witness conferred with his counsel.)

Mr. KENNEDY. Mr. McHugh, you have been convicted of dynamiting the Ruby home?

Mr. McHUGH. No, sir.

Mr. KENNEDY. You have not been involved in that at all?

Mr. McHUGH. No, sir.

Mr. KENNEDY. You are under indictment at the present time?

Mr. McHUGH. Yes, sir.

Mr. KENNEDY. Three counts?

(The witness conferred with his counsel.)

Mr. McHUGH. Six counts.

Mr. KENNEDY. Six counts. Is that for receiving moneys from an employer?

Mr. McHUGH. Supposedly, yes, sir.

Mr. KENNEDY. Allegedly receiving moneys?

Mr. McHUGH. Yes.

Mr. KENNEDY. Is that the Tobyhanna Signal Depot?

Mr. McHUGH. Yes, sir; that is part of it.

Mr. KENNEDY. You allegedly received moneys from other places, also?

Mr. BRENNAN. No, on the other indictments, if I might, this man is under indictment in the court of quarter-sessions of Lackawanna County under two indictments, one charging conspiracy and the other charging malicious mischief. Both, according to what I understand, grow out of that so-called Denny wall-pushing job.

Mr. KENNEDY. The pushing of the wall over at the Denny home?

Mr. BRENNAN. That is correct.

Mr. KENNEDY. Three indictments for that and four indictments for taking money?

Mr. BRENNAN. Four indictments in connection with the construction of the United States Signal Corps Depot at Tobyhanna. Three of those indictments are under the Hobbs Act, alleged extortion, and one under the Taft-Hartley.

The CHAIRMAN. Mr. Counsel, we will not question the witness regarding those incidents. You may interrogate him about others.

Mr. BRENNAN. Mr. Chairman, I also filed a letter on behalf of Mr. McHugh, which is, for all practical purposes, the same as Mr. Durkin's, except that it identifies the particular indictments against Mr. McHugh, which are somewhat different from those against Mr. Durkin. But the basic purpose of it is the same, and the second paragraph is probably verbatim.

The CHAIRMAN. The letter will be printed in the record, then, at this point, without reading it. It serves its purpose by doing that, and the same order of the Chair will apply to it as applied to the one for Mr. Durkin.

(Letter referred to follows:)

MARCH 19, 1957.

SENATE SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR MANAGEMENT FIELD,

*Senate Office Building,
Washington, D. C.*

GENTLEMEN: I have been with a subpoena under the seal of your chairman, Hon. John L. McClellan, commanding my appearance before your committee.

At the present time, I am under six indictments. They are, respectively, Nos. 331, and 332, October sessions, 1955, in the court of quarter sessions of Lackawanna County, Pa., and Nos. 12811, 12812, 12813, and 12878, criminal docket in the United States District Court for the Middle District of Pennsylvania. All six of these indictments charged me with improper activities as a representative of organized labor. I have pleaded "not guilty" to each indictment. I have been advised by the district attorney of Lackawanna County, Pa., that the two cases in that court will be called for trial in May 1957. I have been advised that at least some of the four cases in the United States District Court for the Middle District of Pennsylvania will likewise be tried during the current session of court, which commences at Scranton, March 25, 1957.

In order that my rights to have a fair and impartial trial or trials will not be violated by further investigation and publicity by your honorable committee, in accordance with the opinion of the United States Court of Appeals for the First Circuit, dated October 10, 1952, and reported as *Delaney* against *U. S.* (199, Federal 2d, 107), I hereby protest any further investigation by your honorable committee concerning my activities as a representative of organized labor and I respectfully request this committee to defer further proceedings until after final disposition of the indictments presently pending against me on the ground that additional investigation and publicity by the committee at this time, relating to my alleged activities as a representative of organized labor can serve no other purpose, than to further prejudice my rights to a fair trial of the accusations against me.

In view of the above, I respectfully ask that this investigation, as far as it concerns my alleged activities be deferred.

Respectfully,

JOSEPH J. McHUGH.

Mr. KENNEDY. What compensation do you receive from the union?

Mr. McHUGH. \$137.35 a week.

Mr. KENNEDY. And any expenses?

Mr. McHUGH. \$75 a month expenses.

Mr. KENNEDY. \$75 a month expenses?

Mr. McHUGH. That is right.

Mr. KENNEDY. Do you receive anything beyond that from the union?

Mr. McHUGH. When you are traveling, expense of 10 cents a mile, for the use of the car, the car belongs to us, we purchase the car ourselves, the union pays us 10 cents a mile for the use of the car and \$35 a day, but you have to be away, out of town overnight, to get the \$35. That includes your hotel, your meals, and so on.

Mr. KENNEDY. \$35 for that?

Mr. McHUGH. That is right.

Mr. KENNEDY. And do you have any other source of income other than that?

Mr. McHUGH. No, sir.

Mr. KENNEDY. None at all?

Mr. McHUGH. No, sir.

Mr. KENNEDY. Beyond the alleged receiving moneys at the Tobyhanna, from this contractor, have you received moneys from any other contractor in the last 5 years?

Mr. McHUGH. No, sir.

Mr. KENNEDY. Have you received any moneys from any employer?

Mr. McHUGH. And I didn't receive it at the Tobyhanna, either.

Mr. KENNEDY. Do you want to get into that, then?

Mr. BRENNAN. No.

Mr. KENNEDY. He opened it. He started it.

The CHAIRMAN. That is all right. We are not going to go into that unless you insist upon it.

If you do, we will accommodate you. I suggest that you stay away from it and we will not interrogate you about it.

Proceed.

Mr. KENNEDY. Other than the Tobyhanna, have you received any moneys from any other employer or contractor?

Mr. McHUGH. No, sir.

Mr. KENNEDY. We are not judging the Tobyhanna one way or another. But other than that, in the last 5 years, you have not received any moneys from any contractor or employer, is that right?

Mr. McHUGH. No, sir.

Mr. KENNEDY. And you have had no other source of income, you or your family, other than your teamster salary?

Mr. McHUGH. Wait now. My boy worked last summer, my son worked last summer. I think he worked 7 or 8 weeks during the vacation.

Mr. KENNEDY. Beyond that, the income that he received from that employment, have you or your family had any other source of income?

Mr. McHUGH. No, sir.

Mr. KENNEDY. Mr. Chairman, we have had some other allegations regarding Mr. McHugh, other than the matters that he is under indictment for at the present time.

Senator McNAMARA. Before you leave this line of questioning, I have another question.

The CHAIRMAN. Senator McNamara.

Senator McNAMARA. Tobyhanna, is that a man's name?

Mr. McHUGH. No, sir.

Senator McNAMARA. That is the name of the company?

Mr. McHUGH. That is a Signal Corps Depot that was built by the Government about 18 miles outside.

(The witness conferred with his counsel.)

Mr. McHUGH. Tobyhanna is the name of a town.

Senator McNAMARA. Is the party that is supposed to have paid the money under indictment also?

(The witness conferred with his counsel.)

Mr. McHUGH. No.

Senator McNAMARA. Thank you.

Mr. KENNEDY. Mr. McHugh, we received some testimony from Mr. Lyon that you threatened Mr. Lyon. Is that correct?

Mr. McHUGH. No, sir.

Mr. KENNEDY. That was in 1952. You did not?

Mr. McHUGH. No, sir.

Mr. KENNEDY. And that you gave instructions to certain of your assistants to kick in his windshield.

Mr. McHUGH. No, sir.

Mr. KENNEDY. You had nothing to do with that?

Mr. McHUGH. No, sir.

Mr. KENNEDY. Were you there at the time the windshield was kicked in?

Mr. McHUGH. No, sir. I was there when he referred to him going to Hamlin, I was there, and his windshield was not kicked in.

Mr. KENNEDY. Did anything happen? Did you touch the truck?

Mr. McHUGH. No, sir.

Mr. KENNEDY. Did anybody touch the truck?

Mr. McHUGH. No, sir.

Mr. KENNEDY. Nothing happened?

Mr. McHUGH. Not to my knowledge; no, sir.

(The witness conferred with his counsel.)

Mr. McHUGH. Can I explain that, please?

Mr. KENNEDY. Yes.

The CHAIRMAN. Go ahead.

Mr. McHUGH. I am pretty near sure it was in 1951 or 1952. This is the Doma Importing Co. that this man has reference to.

We had a strike at that company. We were in negotiations for a uniform contract that was in effect with 4 or 5 other wholesale grocery houses, and we could not get together with this individual. The people voted themselves out on strike, the employees. This Lyon was imported in there from out of town as a strikebreaker who was out on parole at the time. When he started on the job, I met him on Oak Street about 2 days after the strike was in effect, and I talked to him up there and tried to prevail upon him of the people that we were trying to secure working conditions and better wages for, the people that was out on strike, and asked if he wouldn't give it up.

He reached over on the seat and pulled a gun out from in back of the seat. So I left. He pulled a gun out and I left. I went down and I told the employer, who was Dominick Mastri about it. He said he was going to report it to his parole officer.

The next morning when the boys were down on the picket line, the parole officer come down and went in and talked to Lyon. Of course, he denied that he had the gun at the time.

People that were out on strike were prevailing upon me to go out in the country to talk to some of these storekeepers that they knew and previously delivered to, to see if they wouldn't cooperate with them, and it was on our way back, we were coming in from Hollisterville, and his truck was parked in the middle of the hill going up. We stopped coming down, and he was alongside of the truck, and when he seen one of the boys that was out on strike, a fellow by the name of John Nallin, he jumped back in the truck, and he pulled the door, and he slammed it hard, and he shattered the side glass.

Then he took a tire wrench and he said, "If anybody opens the door, I will split their skull."

With that, the State highway car was coming up, and we left.

Mr. KENNEDY. That is what happened?

Mr. McMUGH. That is exactly what happened.

Mr. KENNEDY. You never got even near the truck?

Mr. McMUGH. No, sir.

Mr. KENNEDY. And all of this story that Mr. Lyon gave to the committee is all untrue?

Mr. McMUGH. The employer admitted at the time when the thing was settled, that the clutch had been going on the truck at some time.

Mr. KENNEDY. I don't think that is the question we are interested in, whether the clutch was working or not. It is a question of whether there were any words used against Mr. Lyon and also whether there was an attempt at physical violence.

Mr. McMUGH. Not to my knowledge.

My car was parked off to the side. He was right in the middle of the road going up a grade with a truck, and the two boys that were out on strike, he said three, come over and got in the car with me and we left.

Mr. KENNEDY. You were innocent bystanders. He jumped in his truck and broke the glass?

Mr. McMUGH. He was broke down there on the road.

Mr. KENNEDY. You had nothing to do with anything?

Mr. McMUGH. No, sir.

Mr. KENNEDY. You were coming down the hill——

Mr. McMUGH. We were coming back behind the truck from some of the storekeepers in Hollisterville, that is right.

Mr. KENNEDY. Why did Mr. Nallin pay the cost of \$14, then, if you had nothing to do with it?

Mr. McHUGH. When that hearing was held, I didn't pay no cost. I told Mr. Nealon, and it was the company's attorney, Mr. Nealon and the company's attorney paid that cost. I had nothing to do with it. I didn't plead guilty to that charge either.

Mr. KENNEDY. You mean your attorney paid the cost?

Mr. McHUGH. He paid \$6.25, and the attorney that represented the Doma Importing Co. paid the other \$6.25, in order to drop it.

Mr. KENNEDY. It says "Dear Sir," to Mr. Barnam "Please find enclosed a check for \$12 representing the payment of costs instituted by William Lyon against John Nallin and Joseph McHugh."

Mr. McHUGH. This Carey, I believe, was the attorney's name. This was all done after I walked out of the hearing.

Mr. KENNEDY. Why would they pay the money?

Mr. McHUGH. I didn't know it until yesterday, until I heard that. I asked the attorney, and he informed me.

(The witness conferred with his counsel.)

Mr. KENNEDY. I don't understand. You are just driving down a road innocently, and a man gets into a truck and breaks the glass on his door and you paid the \$12.

Mr. McHUGH. I didn't pay it.

Mr. KENNEDY. Somebody paid it for you.

Mr. McHUGH. Wasn't it a peace bond?

Mr. KENNEDY. The attorney did not take it out of his own money and pay it.

Mr. McHUGH. I know I didn't.

Mr. KENNEDY. Then the union paid it?

Mr. McHUGH. No, the union didn't pay it.

Mr. KENNEDY. Do you think Mr. Nealon paid it out of his own money?

Mr. McHUGH. Evidently he did, and Mr. Carey, who represented the company at that time.

Mr. KENNEDY. That is not indicated by this letter.

Mr. McHUGH. I can't help what is on that letter. I know I didn't pay it.

The CHAIRMAN. That is a little bit peculiar for a lawyer. He usually gets a little money instead of pays out money. Do you not think you paid it?

Mr. McHUGH. That will be the day.

The CHAIRMAN. Do you not think you paid it?

Mr. McHUGH. I know I didn't pay it, Mr. McClellan, I know I didn't pay it.

The CHAIRMAN. The attorney might get a lot of business, if that is the way he operates.

Mr. McHUGH. I think prior to now that was checked, Senator McClellan.

Senator MUNDT. Mr. McHugh, you said you had been out in the country on some kind of mission, I think you said working up some cooperation of some kind. Would you explain a little more about that?

Mr. McHUGH. The boys that were out on strike were prevailing upon me to go out and see some of those customers, the storekeepers

that they were delivering to prior to the strike. I put it off for about a week. It was to seek their cooperation and see if they wouldn't give us some assistance in not patronizing this company who was out on strike. We were coming back. In fact, we left about 9 o'clock in the morning and we were coming back about half-past 12 or 1 o'clock.

Senator MUNDT. You were out in the country trying to get the retail grocers to boycott the wholesaler as long as the strike was on?

Mr. McHUGH. I wouldn't say boycott. I would say cooperate.

Senator MUNDT. Well, it means the same thing, does it not? If you stop trading with them, it would be a boycott?

Mr. McHUGH. I wouldn't think so, not unless we had a picket in front of the place, and then we would be boycotting.

Senator MUNDT. I did not think you would picket the retail grocer. I thought you were asking the retail grocer to boycott the wholesale houses, and you were not going to picket the retail grocers.

Mr. McHUGH. Words in that sense, or to patronize the houses that we considered fair to organized labor.

Senator MUNDT. You were going to cease patronizing the house that was struck, and, as long as the strike went on, urge them to buy their groceries someplace else?

Mr. McHUGH. That is true.

Senator MUNDT. Is that a secondary boycott? Is that what you call a secondary boycott?

Mr. McHUGH. I wouldn't consider that a secondary boycott. A secondary boycott in my opinion is if we put a picket on the store that was buying the merchandise from this struck plant, instructing the public not to patronize the store. That would be a secondary boycott.

Senator MUNDT. That would be a compulsory secondary boycott. This would be a voluntary secondary boycott?

Mr. McHUGH. I couldn't agree on that, Senator Mundt.

Senator MUNDT. Could you present some plausible arguments to disprove it?

Mr. McHUGH. No.

Senator MUNDT. O. K.

Mr. KENNEDY. There has been testimony, also, Mr. Chairman, that Mr. McHugh attempted to influence some of the voting or use the receipts of the teamsters in an improper way.

Namely, we have some information that you gave one Nicholas J. Garvin, of Scranton, Pa., a receipt to vote in the election when he was not entitled to vote. Did you do that?

Mr. McHUGH. Yes. But I want a chance to explain that, too, if I may. That is done every month in the year, not alone at election time. A member would call me—we have a sick and death benefit, and in order to be eligible—

Mr. KENNEDY. You are talking about the teamsters, are you?

Mr. McHUGH. I am talking about this particular party that you have reference to, or similar cases within our local union.

We have a sick and death benefit, and in order to qualify for those benefits you must be paid on or before the 15th of the month. I don't think there is a month went by since I am in office that some friend of mine or relation would be out on the road and say "Mac, I failed to get in to pay my dues. Will you throw in three and a-half for me?" Maybe that might happen 2 or 3 times a month.

So at election time, you do go to those peoples for favors, and if they are not in, you contact the steward on the job and say "So and so is not paid up now. Have him around to vote. I will have a stamp here. I will pay his dues."

I have done that and the opposition has done that, ever since I have been in office, the same people you talk to, with 10 or 15 stamps. That was an honest mistake on Garvin. When Garvin came around to vote, I did give Garvin a stamp, and I give him the wrong stamp. But he didn't vote. He was challenged and he didn't vote.

Mr. KENNEDY. But you tried to get him to vote?

Mr. McHUGH. Certainly I did. It was done openly. It was done right in front of the man he was running against, Pokey Watkins, right in the men's room. The man was there, and that is when I give him the stamp.

Mr. KENNEDY. It was done in the men's room?

Mr. McHUGH. Yes. Right in front of the opposition candidate.

Mr. KENNEDY. You didn't know he was in there, did you?

Mr. McHUGH. Yes. He was in there when I went in.

Mr. KENNEDY. I see.

We also had testimony that you gave instructions to Bradshaw, Murphy, Malloy, and Hubshman to sabotage the Taton trucks, to let the air out of the tires.

Mr. McHUGH. That is not so.

Mr. KENNEDY. You never never did anything like that?

Mr. McHUGH. No, sir.

Mr. KENNEDY. So testimony regarding that is not true?

Mr. McHUGH. No, sir.

Mr. KENNEDY. And the pulling of the coupling pin?

Mr. McHUGH. No, sir.

Mr. KENNEDY. Did you know that was done?

Mr. McHUGH. I heard reference to dropping a body here yesterday. Somebody said a body—

(The witness conferred with his counsel.)

Mr. KENNEDY. Do you know if that was done? Did you hear that that was done?

Mr. McHUGH. No, sir, I didn't.

Mr. KENNEDY. You never knew?

Mr. McHUGH. No, sir.

Mr. KENNEDY. You never heard of it at the time?

Mr. McHUGH. No, sir.

(The witness conferred with his counsel.)

Mr. KENNEDY. Did you have any discussion with anybody regarding this matter?

Mr. McHUGH. Taton? Yes. I have talked to Taton. I have had meetings with Mr. Taton.

Mr. KENNEDY. And they never told you that this had been done to their trucks?

Mr. McHUGH. Taton told me—now, he parked his trucks.

Mr. KENNEDY. Just answer the question, Mr. McHugh.

Mr. McHUGH. Yes.

Mr. KENNEDY. Then why did you answer earlier that you never heard about it?

Mr. McHUGH. You asked me about Paul Bradshaw and Joe Malloy.

Mr. KENNEDY. No. I asked you if you ever heard anything about it, and you said "No."

Mr. McHUGH. I am sorry. I misunderstood you.

Mr. KENNEDY. You did hear about it?

Mr. McHUGH. I thought you said giving orders or instructions. Yes; I had heard about it.

Mr. KENNEDY. Did you inquire into who had done it?

Mr. McHUGH. I inquired from Mr. Taton's brother-in-law, who is his local manager there in Scranton, at the time, and these trucks were parked up behind a gasoline station off the highway where there is a lot of kids hanging around and playing around there, and that is as far as I got with my investigation.

Mr. KENNEDY. You couldn't find out?

Mr. McHUGH. No, sir.

Mr. KENNEDY. Did you have any discussion with the police about it?

Mr. McHUGH. Yes, sir.

Mr. KENNEDY. So you knew quite a bit about it?

Mr. McHUGH. I didn't, other than I related to you, that there was 2 tires, air was out of 2 tires on his trailer.

Mr. KENNEDY. What about the Ryan job, did you have anything to do with the violence at the Ryan job?

Mr. McHUGH. No, sir.

Mr. KENNEDY. That was about letting the air out of the tires there.

Mr. McHUGH. No, sir.

Mr. KENNEDY. Were you up there?

Mr. McHUGH. Once.

Mr. KENNEDY. You didn't have anything to do with it?

Mr. McHUGH. No, sir. I was up there merely as an observer.

Mr. KENNEDY. Were there kids up there, too?

Mr. McHUGH. What is that?

Mr. KENNEDY. Were there kids up there, too?

Mr. McHUGH. I couldn't say that.

Mr. KENNEDY. I wonder how they let air out of the tires up there.

Mr. McHUGH. I didn't hear that.

Mr. KENNEDY. You never heard that?

Mr. McHUGH. No, sir.

Mr. KENNEDY. Did you ever hear the statement by Mr. Ryan that the air was let out of the tires of his trucks?

Mr. McHUGH. No, sir.

Mr. KENNEDY. You never knew about that?

Mr. McHUGH. No, sir.

Mr. KENNEDY. Did you ever instruct any of the teamsters to put sugar in any of the gas tanks?

Mr. McHUGH. No, sir.

Mr. KENNEDY. You never had anything to do with that?

Mr. McHUGH. No, sir.

Mr. KENNEDY. On this Ryan job, did the teamsters union have to pay any cost for breaking the injunction?

Mr. McHUGH. Yes, sir; I believe they did.

Mr. KENNEDY. How much?

Mr. McHUGH. That I couldn't tell you.

Mr. KENNEDY. Was it about \$16,000?

Mr. McHUGH. I couldn't tell you. I couldn't definitely say. I know that the teamsters was enjoined along with the operating engineers, the carpenters, and the laborers.

Mr. KENNEDY. And that these acts continued after the time the injunction was given?

Mr. McHUGH. I have no jurisdiction over construction whatsoever. I couldn't say whether they—

Mr. KENNEDY. Were there any teamsters up there after the injunction?

Mr. McHUGH. I couldn't say that. I don't handle that division. I don't handle that department at all.

Mr. KENNEDY. You do not know anything about that at all?

Mr. McHUGH. No, sir.

The CHAIRMAN. Are there any questions?

Senator McNAMARA. Yes, I have some questions.

(The witness conferred with his counsel.)

Senator McNAMARA. I would like to ask the witness some questions, Mr. Chairman.

The CHAIRMAN. Senator McNamara.

Senator McNAMARA. This regards some previous testimony presented here in which he appears to be involved, in the hearings of April 16, volume 1, page 31. There is some conversation leading up to the part I am referring to, some testimony, rather, by Mr. Bradshaw. In the course of the testimony, Mr. Bradshaw, on page 31, answered in response to a question by Mr. Kennedy, in reference to a phone call he received offering him some money. The question was:

Who was the person who called you?

Mr. BRADSHAW. A fellow by the name of Bettendorf. He called me and he said "Paul, I am sick and tired of this stuff, trucks being tied up and things like that. Now, if I give you \$200 a week, you let the trucks go through?"

Mr. McHUGH. Senator McNamara, if I may, that is one of the issues I am under indictment for in Federal court.

Senator McNAMARA. I want to ask you this question at this point, and you do not have to answer if you think it involves your rights, as the chairman has explained. Has Mr. Bettendorf been indicted?

(The witness conferred with his counsel.)

Mr. McHUGH. No, sir.

Senator McNAMARA. The way the testimony is before this committee it appears that this was an offer to pay off Paul Bradshaw for favors he might do him on the job. The inference is that you were paid. I understand this is getting into the thing that you do not want to discuss too much, but I am astonished to find that the courts have not indicted the man who was making the advances, offering to pay off; but they have not.

Mr. McHUGH. He has not been indicted.

Senator McNAMARA. That is, as far as you know?

Mr. McHUGH. No, sir.

Senator McNAMARA. I would like to ask the chairman and chief counsel if we plan to have Mr. Bettendorf here.

The CHAIRMAN. Senator McNamara, the staff has started an investigation on that to find out why, and they have called on the FBI and so forth, to give us an explanation of it.

Senator McNAMARA. I think that needs explanation if we are going into this thing thoroughly.

The CHAIRMAN. Certainly it does. The man who paid the money is just as guilty as the man who received it, and should be exposed.

Senator McNAMARA. Mr. Chairman, from the testimony we have had on this subject, I would say much more guilty.

The CHAIRMAN. All right, if that is all, you may stand aside.

Call the next witness.

Mr. KENNEDY. Mr. Malloy.

(Members present at this point: Senators McClellan, McNamara, and Mundt.)

**TESTIMONY OF ROBERT MALLOY, ACCOMPANIED BY COUNSEL,
JOSEPH P. BRENNAN—Resumed**

The CHAIRMAN. You were sworn yesterday, were you?

Mr. MALLOY. Yes, sir, I was.

The CHAIRMAN. You will remain under the same oath.

At that time, I believe you stated your name, residence, and place of business; did you not?

Mr. MALLOY. That is right, Senator.

The CHAIRMAN. And your testimony was deferred until today, at your request, so that your counsel could be present?

Mr. MALLOY. That is correct.

The CHAIRMAN. Let the record show the same counsel appearing for this witness as appeared for Witnesses McHugh and Durkin.

Do you have a similar statement, Mr. Counsel?

Mr. BRENNAN. Yes, Mr. Chairman. Mr. Malloy has submitted a statement which is similar and practically identical with the statement submitted by Mr. McHugh.

At this time, Mr. Chairman, could I ask the indulgence of the Chair for about one-half moment to confer with this man? As you realize, I have been up here all morning, and I haven't seen him since the hearing started.

The CHAIRMAN. Yes. The Chair will grant that.

In the meantime, I will order this letter or statement printed in the record at this point, from Mr. Malloy to the committee, and the same order will prevail with respect to it as to the others.

In the meantime, we will suspend for a few moments, until such time as you have had an opportunity to confer with your client.

(Letter referred to follows:)

MARCH 19, 1957.

SENATE SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR-MANAGEMENT
FIELD,

Senate Office Building, Washington, D. C.

GENTLEMEN: I have been served with a subpoena under the seal of your chairman, Hon. John L. McClellan, commanding my appearance before your committee.

At the present time, I am under six indictments. They are respectively Nos. 331 and 332, October Sessions, 1955, in the court of quarter sessions of Lackawanna County, Pa., and Nos. 12811, 12812, 12813, and 12878, criminal docket in the United States District Court for the Middle District of Pennsylvania. All six of these indictments charged me with improper activities as a representative of organized labor. I have pleaded not guilty to each indictment. I have been advised by the district attorney of Lackawanna County, Pa., that the two cases in that court will be called for trial in May 1957. I have been advised that at least some of the four cases in the United States District Court for the Middle District of Pennsylvania will likewise be tried during the current session of court, which commences at Scranton, March 25, 1957.

In order that my rights to have a fair and impartial trial or trials will not be violated by further investigation and publicity by your honorable committee, in accordance with the opinion of the United States Court of Appeals for the First Circuit, dated October 10, 1952, and reported as *Delaney v. U. S.* (199 F. 2d 107), I hereby protest any further investigation by your honorable committee concerning my activities as a representative of organized labor, and I respectfully request this committee to defer further proceedings until after final disposition of the indictments presently pending against me on the ground that additional investigation and publicity by the committee at this time, relating to my alleged activities as a representative of organized labor, can serve no other purpose than to further prejudice my rights to a fair trial of the accusations against me.

In view of the above, I respectfully ask that this investigation, as far as it concerns my alleged activities, be deferred.

Respectfully,

ROBERT K. MALLOY.

Mr. BRENNAN. I might state at this point in the record, so that we will understand one another, Mr. Malloy is under indictment for the same offenses that Mr. McHugh is under indictment for. They are named in joint indictments.

The CHAIRMAN. Thank you very much.

You may confer with your client.

(Members present at the taking of the recess: Senators McClellan, McNamara, and Mundt.)

(Brief recess.)

Members present after the taking of the recess: Senators McClellan and Mundt.)

The CHAIRMAN. The committee will come to order.

Proceed.

Mr. KENNEDY. Mr. Malloy, you are presently under indictment for the sabotage of the Denny home?

Mr. MALLOY. Yes, sir.

Mr. KENNEDY. Have you got anything to do with the indictments in Tobyhanna?

Mr. MALLOY. I certainly do. I am indicted on all of them.

Mr. KENNEDY. How many indictments are there?

Mr. MALLOY. Four.

Mr. KENNEDY. You are indicted on four counts of taking money in the Tobyhanna matter?

Mr. MALLOY. Well, that I don't know. I am indicted under the Hobbs Act, and I am indicted under the Taft-Hartley Act.

Mr. KENNEDY. Is that regarding the taking of money by you? Is that in connection with taking money?

(The witness conferred with his counsel.)

Mr. MALLOY. That is the alleged taking of money.

Mr. KENNEDY. Is that only from this one company, the Bettendorf Co.?

(The witness conferred with his counsel.)

Mr. MALLOY. No. As I recall, there are other companies involved in it.

Mr. KENNEDY. Maybe the attorney would clear it up.

Could you clear it up for this witness and the other witnesses? I thought it was just Bettendorf.

Mr. BRENNAN. No. The Bettendorf matter is the subject of only 1 of the 4 Tobyhanna indictments. There are other parties involved. When counsel refers to 4 counts, it is a matter of 4 indictments containing several counts each.

Mr. KENNEDY. And the allegation of taking of money from a number of different companies?

Mr. BRENNAN. That is correct.

Mr. KENNEDY. Could you tell approximately how many companies in each?

Mr. BRENNAN. Four.

Mr. KENNEDY. Four companies of Mr. Malloy?

Mr. BRENNAN. Yes.

Mr. KENNEDY. And Mr. McHugh.

Mr. BRENNAN. Yes.

Mr. KENNEDY. And Mr. Durkin?

Mr. BRENNAN. Mr. Durkin in two.

Mr. KENNEDY. The Bettendorf is 1 company involved, is that correct; 1 company in the 3?

Mr. BRENNAN. Yes; I believe so.

Mr. KENNEDY. But Bettendorf is the company here; is that correct?

Mr. BRENNAN. Yes.

Mr. KENNEDY. Could you tell the committee a little of your background, Mr. Malloy?

Mr. MALLOY. Mr. Kennedy, I was born and raised in Scranton.

Mr. KENNEDY. When were you born there?

Mr. MALLOY. 1913. I am 44 years old. I went to the trade school and high school in Scranton. I have lived there all my life.

Mr. KENNEDY. How many years of school did you have?

Mr. MALLOY. Grade school and high school.

Mr. KENNEDY. Through the 12th grade?

Mr. MALLOY. Yes.

Mr. KENNEDY. Then what did you do after you graduated?

Mr. MALLOY. After I left school, I was employed by an uncle of mine in the florist business for a short while, maybe a year or two. Then I went to work for the Greendale Dairy Co., driving a route, delivering milk to stores and homes. I did that for 14 years. Greendale merged with Woodlawn, which is now Foremost, and in 1952 I took office as business agent for the teamsters union.

Mr. KENNEDY. That was for a term of how many years?

Mr. MALLOY. The first term I was elected to, if my memory serves me right, was for 3 years, and that took me up to 1954. It was a 2-year term; pardon me. 1952 to 1954. And then the regulations were changed, that any officer elected would be elected for a 5-year term. So I went into office in January of 1954, which will take me up to 1959.

Mr. KENNEDY. There has been testimony before the committee that you participated in the rigging of the elections, that you handed out receipts or caused receipts to be handed out. Did you have anything to do with that?

Mr. MALLOY. I definitely did not.

Mr. KENNEDY. You never had anything—did you know that that was being done?

Mr. MALLOY. No, sir.

Mr. KENNEDY. Did you know that anybody voted more than once?

Mr. MALLOY. No, sir.

Mr. KENNEDY. You never heard of that?

Mr. MALLOY. No, sir.

Mr. KENNEDY. You never discussed that with anyone?

Mr. MALLOY. No, sir.

Mr. KENNEDY. You never discussed it with anyone?

Mr. MALLOY. Not to the best of my remembrance.

Mr. KENNEDY. You would remember that. Do you remember ever discussing with anyone and telling them to vote more than once?

Mr. MALLOY. No, sir.

Mr. KENNEDY. You never did?

Mr. MALLOY. No, sir.

Mr. KENNEDY. You never arranged for receipts to be handed out to ineligible voters?

Mr. MALLOY. No, sir.

(At this point, Senator McNamara withdrew from the hearing room.)

Mr. KENNEDY. We have information also that you gave instructions to a certain group of teamsters to be rough and tough on contractors and put them in fear. Did you make any such statement or any similar statement?

Mr. MALLOY. Mr. Kennedy, that is untrue. I don't believe in violence of any kind.

Mr. KENNEDY. You do not?

Mr. MALLOY. No, sir.

Mr. KENNEDY. Did you arrange to have any steps taken by the teamsters against the various members of the teamsters union who confessed to blowing up the Ruby home?

Mr. MALLOY. No, sir.

Mr. KENNEDY. Are you not against violence?

Mr. MALLOY. What was that, sir?

Mr. KENNEDY. Are you not against violence?

Mr. MALLOY. Yes.

Mr. KENNEDY. Would that not be considered violence? That is, blowing up the Ruby home.

Mr. MALLOY. Definitely.

Mr. KENNEDY. Did you take any steps against them?

(The witness conferred with his counsel.)

Mr. MALLOY. I wasn't even in town when this incident occurred.

Mr. KENNEDY. When they finally confessed, did you take any steps against them?

Mr. MALLOY. Would I take any steps?

Mr. KENNEDY. No. Did you?

Mr. MALLOY. No, sir; I did not.

Mr. KENNEDY. Aren't you against violence?

Mr. MALLOY. That is right, sir.

Mr. KENNEDY. Why did you not take some steps against them?

Mr. MALLOY. What steps could I take? I don't mean to ask you questions, but I don't know what steps I could take. These dynamiters, as they have been labeled, immediately, to the best of my knowledge, left the union, of their own accord.

Mr. KENNEDY. They left right at that time?

Mr. MALLOY. After they were convicted. I am pretty sure the records will show that. By that, to elaborate, once you stop paying dues after a certain number of months, you are suspended.

Mr. KENNEDY. Were they suspended?

Mr. MALLOY. As far as I know.

Mr. KENNEDY. Have you ever checked?

Mr. MALLOY. No, sir; I did not.

Mr. KENNEDY. Don't you think that you being against violence as you are, you should take some measures?

Mr. MALLOY. Mr. Kennedy, I am only one member of the union.

Mr. KENNEDY. You are a business agent.

Mr. MALLOY. I am a business agent. My job is to negotiate contracts and settle grievances. I have in my department roughly about 1,800 men, between fifteen and sixteen hundred men, and that keeps me pretty busy, and construction is a very small part of my business.

Mr. KENNEDY. Nevertheless, this was quite important. It reflected on the teamsters.

Mr. MALLOY. I understand, Mr. Kennedy. I just want to tell you the facts.

Mr. KENNEDY. You didn't take any steps?

Mr. MALLOY. No, sir; I did not.

Mr. KENNEDY. Were you convicted in that dynamiting yourself?

Mr. MALLOY. No, sir.

Mr. KENNEDY. You were not involved in it at all?

Mr. MALLOY. No, sir. I was never even questioned by a police agency of any kind.

(The witness conferred with his counsel.)

Mr. KENNEDY. George Murphy is not in local 229 at the present time?

Mr. MALLOY. Well, Mr. Kennedy, I imagine George Murphy would have to be.

(The witness conferred with his counsel.)

Mr. KENNEDY. Was he convicted?

Mr. MALLOY. I don't know.

Mr. KENNEDY. You came up before the committee and said you were against violence. These people committed a violent act. I am just trying to find out what you would do. How much are you against violence?

Mr. MALLOY. I don't know if Mr. Murphy is in the teamsters union or not.

Mr. KENNEDY. Then you did not take any steps to try to find out?

Mr. MALLOY. That is correct.

Mr. KENNEDY. You never did anything about this?

Mr. MALLOY. That is correct.

The CHAIRMAN. Are you on the executive board?

Mr. MALLOY. No, sir, I am not, Senator.

Mr. KENNEDY. Mr. Chairman, the records that we have had made available to us, and they are not complete, the Federal Government has a number of the records, they show that George Murphy is paid up as a member of the teamsters union as of last month.

The CHAIRMAN. Those are records of the union, union records?

Mr. KENNEDY. Yes.

The CHAIRMAN. All right.

Mr. KENNEDY. We have had testimony that Mr. Malloy was the main one for giving instructions to intimidate and commit sabotage against drivers and contractors who were not cooperating with the union.

Did you have anything to do with that? Did you ever instruct any member of the teamsters to let the air out of tires of noncooperating drivers?

Mr. MALLOY. No, sir.

Mr. KENNEDY. You never told them to do anything like that?

Mr. MALLOY. No, sir.

Mr. KENNEDY. Did you ever instruct any member of the teamsters union to undo the coupling pin between the truck and the trailer?

Mr. MALLOY. No, sir.

Mr. KENNEDY. So all that testimony is untrue?

Mr. MALLOY. As far as I am concerned, it is, sir.

Mr. KENNEDY. And the testimony regarding the throwing of the kerosene over the poultry and the eggs in the El Rancho Dairy incident, you had nothing to do with that?

Mr. MALLOY. No, sir.

Mr. KENNEDY. You never did?

Mr. MALLOY. No, sir.

Mr. KENNEDY. So that testimony is untrue, also, regarding that, that you gave those instructions?

(The witness conferred with his counsel.)

Mr. MALLOY. In fact, I never heard of it.

Mr. KENNEDY. No, that you gave the instructions.

Mr. MALLOY. I did not, Mr. Kennedy; I did not give instructions.

Mr. KENNEDY. And that you instructed Mr. Bradshaw and others to sabotage the Taton trucks by letting the air out of the tires?

Mr. MALLOY. No, sir.

Mr. KENNEDY. You never did that?

Mr. MALLOY. No, sir.

Mr. KENNEDY. Did you ever tell Billy Munley that the labor union leaders were afraid that Bradshaw would talk and implicate them?

Mr. MALLOY. No, sir.

Mr. KENNEDY. You never told that to Billy Munley?

Mr. MALLOY. No, sir.

Mr. KENNEDY. So when he said that on the tape recordings, that was untrue?

Mr. MALLOY. I would say so, to the best of my knowledge.

Mr. KENNEDY. You would know whether you said that to him.

Mr. MALLOY. Well, I didn't say it to him.

Mr. KENNEDY. So if he said that on the tape recordings, that is untrue, is that right?

Mr. MALLOY. To the best of my knowledge.

Mr. KENNEDY. What do you mean? What is to the best of your knowledge?

Mr. MALLOY. I never heard of Billy Munley, or me telling—is that the question?

Mr. KENNEDY. The only question for you to answer is whether you ever told Billy Munley that the labor union leaders in Scranton were afraid that Bradshaw might talk and implicate them.

Mr. MALLOY. No, sir.

Mr. KENNEDY. You are sure you did not?

Mr. MALLOY. Positive.

Mr. KENNEDY. And that the instructions that had been given to Munley and Malloy and others that if they were questioned on the dynamiting, that they should deny everything, did you ever say those instructions to be given out?

Mr. MALLOY. No, sir.

Mr. KENNEDY. And did you ever tell Munley that if Bradshaw went to jail, he would be well taken care of?

Mr. MALLOY. No, sir.

Mr. KENNEDY. Did you ever have a conversation with Mr. Ryan in which you threatened Mr. Ryan?

Mr. MALLOY. No, sir.

I had a conversation with Mr. Ryan. I have to answer that question.

Mr. KENNEDY. Did you ever tell him that unless he unionized, he would be in trouble?

(The witness conferred with counsel.)

Mr. MALLOY. That he would be picketed. I went up to the Ryan job, which is about 20 miles from Scranton, which is part of my job, and Mr. Ryan got the contract from the Pennsylvania State Highway Department, and Ryan was paying his help \$1 an hour when the scale in the Scranton area was \$1.625, and I told Mr. Ryan that unless he paid this union scale, that he would be picketed.

I never threatened him with anything, any violence of any kind.

Mr. KENNEDY. Did you have anything to do with getting some 3,000 pickets up there?

Mr. MALLOY. No. I can't say that I did. I think that was, if my memory serves me right, that was the building trades proposition, where all the unions——

Mr. KENNEDY. How many people did you have up there, or arrange to have up there?

Mr. MALLOY. Mr. Kennedy, I don't understand your question.

Mr. KENNEDY. How many people did you arrange to have up there on the Ryan job picketing the first day, when there were some 3,000 pickets?

Mr. MALLOY. I didn't arrange to have any of them up there.

Mr. KENNEDY. How many did the teamsters arrange to have up there?

Mr. MALLOY. Well, the teamsters, only the people engaged in construction.

Mr. KENNEDY. How many people did you have up there?

Mr. MALLOY. I would say, Mr. Kennedy, about—we were at peak, then, as far as members in the construction end of it. I would say about 125, or 150.

Mr. KENNEDY. Where did the rest of the pickets come from? There were 3,000 pickets up there, and the testimony yesterday, together with the figure you give, hardly adds up to 1,000.

Mr. MALLOY. I don't know, Mr. Kennedy.

Mr. KENNEDY. They just arrived?

Mr. MALLOY. I don't know, Mr. Kennedy.

Mr. KENNEDY. You do not have any idea?

(The witness conferred with his counsel.)

Mr. MALLOY. I don't know.

Mr. KENNEDY. You do not know where the pickets came from?

Mr. MALLOY. Only that I might say from construction, from the different construction crafts in the area.

Mr. KENNEDY. There has been testimony that some of the pickets came in from New Jersey. Do you know anything about that?

Mr. MALLOY. No, sir.

Mr. KENNEDY. Where did you get 3,000 pickets from?

(The witness conferred with his counsel.)

Mr. MALLOY. Mr. Kennedy, I imagine the figure was exaggerated by the newspapers.

Mr. KENNEDY. Well, let us say 2,500.

Mr. MALLOY. I actually don't know.

Mr. KENNEDY. They just appeared?

(The witness conferred with his counsel.)

Mr. MALLOY. I don't know how many were there.

Mr. KENNEDY. All right. Let us assume there were between 2,000 and 3,000. Where did all the pickets come from?

(The witness conferred with his counsel.)

Mr. MALLOY. I don't know.

Mr. KENNEDY. You are under indictment at the present time for pushing the wall over, the Denny job?

Mr. MALLOY. Yes, sir.

Mr. KENNEDY. So it is for the alleged taking of the money as well as pushing the wall over?

Mr. MALLOY. That is correct.

Mr. KENNEDY. And Mr. Ryan testified, I believe, that you stopped him on the road when he was driving along in his car, and you pulled him over to the side. Did you do that?

Mr. MALLOY. Well, I think that is putting it—we went up there looking for Mr. Ryan to discuss whether he was going to operate and pay the prevailing rate in our area, or whether he wasn't. Nobody was pushed over.

Mr. KENNEDY. He was driving along in his truck?

Mr. MALLOY. That is right.

Mr. KENNEDY. Or his car?

Mr. MALLOY. A car, I believe it was.

Mr. KENNEDY. How did he happen to stop?

Mr. MALLOY. The car I was in stopped and we waved to him and he stopped, and we made arrangements to——

Mr. KENNEDY. Wait a minute. His testimony is that he was driving along in his car and you came alongside and pushed him over to the side of the road.

Mr. MALLOY. That is incorrect.

Mr. KENNEDY. That is untrue?

Mr. MALLOY. That is right. We made an arrangement to meet Mr. Ryan, with all the different crafts.

Mr. KENNEDY. Out on the road?

Mr. MALLOY. No, at the Hotel Tacey.

Mr. KENNEDY. I am not talking about that meeting. I am talking about when you first met him.

Mr. MALLOY. We did not push Mr. Ryan. I did not push Mr. Ryan.

Mr. KENNEDY. Did the car you were in push him over to the side?

Mr. MALLOY. No, sir.

Mr. KENNEDY. You had nothing to do with that?

Mr. MALLOY. No, sir.

Mr. KENNEDY. You did not have anything to do with any of the things that are alleged about you before this committee, except the ones you won't discuss?

(The witness conferred with his counsel.)

Mr. MALLOY. I don't know, whether I am alleged——

Mr. KENNEDY. I have asked you about those things.

Mr. MALLOY. That is correct.

Mr. KENNEDY. Sabotaging trucks, threatening people?

Mr. MALLOY. I do not know anything about it.

Mr. KENNEDY. You didn't do any of that?

Mr. MALLOY. No, sir.

Mr. KENNEDY. Well, it conflicts directly with the testimony before this committee.

The CHAIRMAN. Are there any other questions?

Mr. KENNEDY. How much money do you receive from the teamsters?

Mr. MALLOY. \$137.35 a week.

Mr. KENNEDY. And what expenses?

Mr. MALLOY. The same as the other business agents.

Mr. KENNEDY. What is that?

Mr. MALLOY. Well, you have a car allowance of \$75.

Mr. KENNEDY. Do you have a car?

Mr. MALLOY. Yes, I do, sir.

Mr. KENNEDY. Your own?

Mr. MALLOY. Yes, sir.

Mr. KENNEDY. And you get a 75—do you use that in your business? Do you use that for the teamsters?

Mr. MALLOY. Every day, sir, yes, sir.

Mr. KENNEDY. Do the teamsters provide you a car?

Mr. MALLOY. No, sir.

Mr. KENNEDY. You get \$75 for that?

Mr. MALLOY. That is correct.

Mr. KENNEDY. Do you get any other expenses?

Mr. MALLOY. Yes, I do.

Mr. KENNEDY. What other expenses?

Mr. MALLOY. I get a \$50 a month expense for meals and so on when you are out in different places.

Mr. KENNEDY. \$50 a month?

Mr. MALLOY. That is correct, sir.

Mr. KENNEDY. Do you have any other source of income?

Mr. MALLOY. None whatsoever.

Mr. KENNEDY. Does your family have any other source of income?

Mr. MALLOY. None whatsoever.

Mr. KENNEDY. You don't have any bonds or stocks?

Mr. MALLOY. None whatsoever. The only thing I have is a wife and four children.

Mr. KENNEDY. Were any of the pickets paid on the Ryan job?

Mr. MALLOY. What is that, sir?

Mr. KENNEDY. Were any of the pickets paid? Did you arrange for any of the pickets to be paid?

Mr. MALLOY. I didn't arrange for any of them to be paid.

Mr. KENNEDY. So as far as you know, they were not paid?

Mr. MALLOY. They, as far as I know, as I can recollect, the number of people that were picketing the Ryan job the first week was quite a number. I don't know exactly what the number is.

Mr. KENNEDY. Just answer the question. Were any of the pickets paid?

Mr. MALLOY. No.

Mr. KENNEDY. They were not?

Mr. MALLOY. Not to my direct knowledge.

Mr. KENNEDY. Well, to your indirect knowledge were any of the pickets paid?

Mr. MALLOY. Well, I think I would have to explain it, Mr. Kennedy. (The witness conferred with his counsel.)

Mr. MALLOY. As I understand it, they were given an expense account. That is, after the first week. If you say it is 2,000 or 1,500, they went back to work after 1 week. This is to the best of my memory. Then the 75 or 50 that stayed up there were given money for lunch and travel expense. It was a 20-mile trip, to the best of my knowledge.

Mr. KENNEDY. Who arranged for that?

Mr. MALLOY. The men themselves.

Mr. KENNEDY. With whom? I am not saying there is anything wrong with it, but there was some testimony yesterday—

Mr. MALLOY. I don't know.

Mr. KENNEDY. Just a moment. There was some testimony yesterday that they had not been paid. I am trying to straighten it out. There is nothing wrong with paying. I am trying to find out what arrangements were made.

(The witness conferred with his counsel.)

Mr. KENNEDY. Who did they make the arrangements with to get paid after they went up there?

Mr. MALLOY. I don't know.

Mr. KENNEDY. Did the teamsters pay them?

Mr. MALLOY. I don't know.

Mr. KENNEDY. How did you hear about it?

Mr. MALLOY. Mr. Kennedy, there, again, the teamsters union, they were never paid, as far as I know.

Mr. KENNEDY. Who arranged it?

Mr. MALLOY. The men themselves.

Mr. KENNEDY. They had to get their money from someplace. Who do they get the money from?

Mr. MALLOY. The men.

Mr. KENNEDY. They paid one another? I am just trying to find out. Could you tell me where they got their money from?

Mr. MALLOY. I don't know.

Mr. KENNEDY. You have no idea?

Mr. MALLOY. No, I have no idea.

Senator McNAMARA. Mr. Chairman?

The CHAIRMAN. Senator McNamara.

Senator McNAMARA. There was some reference to your income, including \$75. Was that a day, a week, or what period, the expenses?

Mr. MALLOY. My expense, sir?

(The witness conferred with his counsel.)

Mr. MALLOY. It is \$75 once a month.

Senator McNAMARA. A month?

Mr. MALLOY. That is correct.

Senator McNAMARA. I do not think it appeared in the record, and I was just trying to get it cleared up.

Mr. MALLOY. Senator, that is what it is, \$75, for car expense, a month, a month.

Senator MUNDT. Mr. Malloy, will you explain a little more in detail about this alleged car stoppage of Mr. Ryan? You said you were in an automobile, and you waved at him and he stopped, and this was on a highway. Was it out of town?

Mr. MALLOY. Yes, Senator. It was on his construction job with many of his employees around there. It was right on the 7-mile stretch of road that he was operating. I had never seen Mr. Ryan, I had tried to contact him at his office, by phone, and this was in the middle of daytime. He wasn't pushed off the road. He stopped when he saw us waving at him.

Senator MUNDT. Were you approaching him, or did you overtake him in your car?

Mr. MALLOY. We were going the opposite direction.

Senator MUNDT. Let me read Mr. Ryan's testimony. I am not sure you heard it. Maybe we can get to straighten it out.

On September 11, 1953, were you approached by certain union officials?

Mr. RYAN. Yes.

Mr. KENNEDY. Would you tell the committee how they approached you?

Mr. RYAN. Well, they drove past me and across the road and stopped me on a narrow road that runs parallel to our new highway contract.

We have at least agreed that the road is the same highway that you are talking about. But it does not sound the way he described it like somebody just waving at a man and stopping him. How about it? Did you drive your car across the road in front of him?

Mr. MALLOY. No, sir.

Senator MUNDT. Were you driving the car?

Mr. MALLOY. What is that?

Senator MUNDT. Were you the driver?

Mr. MALLOY. No, sir.

Senator MUNDT. Who was the driver?

Mr. MALLOY. If I recall correctly, it was Mr. Bartell.

Senator MUNDT. Did Mr. Bartell, who was driving the car, cross the road and stop him?

Mr. MALLOY. No, sir.

Senator MUNDT. Tell us just exactly what did happen. Were you approaching each other, were you meeting on the highway, or were you following the Ryan car?

Mr. MALLOY. Senator, as I recall it, one of his employees that he took in from Pittsburgh with him, told us that Mr. Ryan was down the road a ways, and he would be coming this way, and he told us what kind of a car it was. So when we saw the car coming, we pulled over to the side of the road. I don't recall just which one got out. We sort of flagged Mr. Ryan down. He pulled over to the other side of the road.

Senator MUNDT. Continuing the testimony:

Mr. RYAN. Well, they drove past me and stopped me on a narrow road that ran parallel to our new highway contract.

Mr. KENNEDY. They drove in front of you, is that right?

Mr. RYAN. Yes.

Mr. KENNEDY. Did they try to stop your car?

Mr. RYAN. That is right.

Your testimony is that Mr. Ryan was lying to us under oath when he said that; is that right?

Mr. MALLOY. All I can tell you—

Senator MUNDT. Somebody is lying to us under oath.

Mr. Malloy is lying under oath or Mr. Ryan is lying to us under oath. I am trying to find out the truth. I was not there, but you were there.

Mr. MALLOY. I have told you, Senator, exactly how it happened as I recall it. We arranged a meeting with Mr. Ryan. I don't know whether it was the next morning or a few mornings later.

Senator MUNDT. I am not interested in that. I am interested in finding out whether Mr. Malloy or Mr. Ryan—two good Irishmen—I am trying to find out which one is telling the truth.

Mr. MALLOY. Well, I am telling the truth.

Senator MUNDT. You are telling the truth and Mr. Ryan was lying. One of you must be perjuring yourself on something as simple as that.

There must be witnesses available, because somebody was driving your car and there was somebody from Pittsburgh with Mr. Ryan. He says that he was coming down the road, and you drove your car right out in front of him and made him stop. You tell me, and you correct the record now, because this is important to you, sir, you correct the record if I am wrong, you tell me that he was driving toward him, Mr. Bartell was driving the car, you pulled up on the side, there was plenty of room for Mr. Ryan to go around if he wanted to, somebody got out of the car and waved at him, and he stopped. Is that your story now?

Mr. MALLOY. I will live and die on it. That is my story.

Senator MUNDT. I am trying to find out how direct the conflict is. I say I do not know, I was not there.

The CHAIRMAN. You may stand aside.

The Chair wishes to announce that he has received a letter from the district attorney, Carlton O'Malley, of Lackawanna County, Scranton, Pa., together with an affidavit which he requested be read and inserted into the record. Because the affidavit involves some matters that we may desire to cross-examine Mr. O'Malley on, the affidavit will be retained in the files for the present, until such time as we can determine whether Mr. O'Malley would prefer to come and testify himself. We will give him that opportunity.

If he does, there are some matters in here that he will be interrogated about.

With this, we have concluded this series of hearings. We do not anticipate that we will hold any other hearings during the Easter recess. In other words, it is anticipated that the Congress is to recess until the 29th of this month, and during that interim we do not expect to hold any other public hearings.

The record or transcript of the testimony that has been heard from these witnesses will be made available to the Justice Department, with the request that it pursue the matter further. It is pretty obvious that someone has committed perjury. We are trying to get the truth, and we cannot get the truth, if witnesses come before this committee and lie. The fact that they may come here and commit perjury, they may get by with it for the moment, but it is not clearly indicated that they will get by with it indefinitely.

Senator MUNDT. Mr. Chairman, I wonder, do we have Mr. Bartell available or have we interrogated him? He would be a substantiating witness in connection with this one case of perjury.

Mr. KENNEDY. He testified already.

Senator MUNDT. He has testified?

Have we interrogated him on the particular point at issue between Mr. Ryan and Mr. Malloy?

Mr. KENNEDY. On the car? No. He testified on Ryan, but not on the car.

Senator MUNDT. It seems to me that we should try to find out from him what his version of it is, and we should also try to locate the man from Pittsburgh, whoever he is. There are at least four people involved, and maybe some of them can shed light on it. There is a direct conflict in testimony.

The CHAIRMAN. Like on most other hearings, there is usually some carryover that we will get to later.

Mr. KENNEDY. I think he has left.

The CHAIRMAN. We will see if he is here.

Is Mr. Bartell present?

Mr. Bartell?

Senator MUNDT. Apparently not.

The CHAIRMAN. Apparently not.

Senator MUNDT. Mr. Malloy, do you happen to know the name of the man from Pittsburgh, do you remember?

Mr. MALLOY. Do you mean in addition to Mr. Ryan?

Senator MUNDT. Yes. You said he was accompanied by a man from Pittsburgh. If you happen to know his name, it would be helpful to know his name.

Mr. MALLOY. I didn't say he was accompanied, Senator, because I don't recollect whether he was or not. However, there was Mr. Bartell and Mr. Gene Ross in the car I was in. It wasn't my car. It was Mr. Bartell's car.

Senator MUNDT. Mr. Ryan was not alone. I think you said he was with someone.

Mr. MALLOY. If I did, I don't recall it. Maybe he was with somebody. I said, I believe, that I had talked to an employee of his up the road.

Senator MUNDT. To the best of your recollection, was Mr. Ryan in the car alone or was there somebody there with him?

Mr. MALLOY. I don't remember.

Senator MUNDT. You do not remember? Okay.

The CHAIRMAN. All right.

The committee will stand adjourned until the call of the Chair.

(Members present at the taking of the recess: Senators McClellan, McNamara, and Mundt.)

(Whereupon, at 12:20 p. m., the committee recessed, subject to the call of the Chair.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

MONDAY, APRIL 29, 1957

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE
LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee met at 3:05 p. m., pursuant to Senate Resolution 74, agreed to January 30, 1957, in the caucus room, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Irving M. Ives, Republican, New York; Senator John F. Kennedy, Democrat, Massachusetts; Senator Pat McNamara, Democrat, Michigan; Senator Karl E. Mundt, Republican, South Dakota; Senator Barry Goldwater, Republican, Arizona.

Also present: Robert F. Kennedy, chief counsel of the select committee; LaVern J. Duffy, investigator; Ruth Young Watt, chief clerk.

(Members present at the convening of the session: Senators McClellan, Ives, Kennedy, Mundt, and Goldwater.)

The CHAIRMAN. The committee will be in order.

Mr. Bettendorf, will you be sworn, please.

You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BETTENDORF. I do.

TESTIMONY OF EARL P. BETTENDORF, ACCOMPANIED BY COUNSEL, RICHARD L. WILLIAMS AND LEWIS B. GREENBAUM

The CHAIRMAN. State your name, and your place of residence, your business or occupation, please.

Mr. BETTENDORF. Earl P. Bettendorf, Texarkana, Tex., manufacturer of pallets.

The CHAIRMAN. Mr. Bettendorf, a few days ago you wired the chairman of the committee requesting an opportunity to appear before it and give some testimony to refute the implications of some testimony that had been received by the committee in the course of public hearings, is that correct?

Mr. BETTENDORF. That is correct.

The CHAIRMAN. The Chair will place in the record at this point your telegram to me, dated April 18, 1957, and my reply to you on April 22, 1957, and your reply to my wire stating that this date would

be satisfactory for you to appear. These wires will all be placed in the record at this point.

(Telegrams referred to follow:)

TEXARKANA, TEX., April 18, 1957.

Senator JOHN J. McCLELLAN,

*Chairman, Senate Investigating Committee,
Senate Office Building, Washington, D. C.:*

Associated Press has read me a transcript of the testimony of the Scranton teamsters union before your committee today. Statements made by you and Senator McNamara clearly indicate your committee is not in possession of the true facts in this case. So that your committee can correct the injustice done me at today's hearing, I respectfully ask to appear before your committee at the earliest possible date, at which time I will present records substantiating the above and of which your committee now has no knowledge.

EARL P. BETTENDORF, *Ashdown, Ark.*

WASHINGTON, D. C., April 22, 1957.

EARL P. BETTENDORF,
Ashdown, Ark.:

Reurtel April 18. I have been out of the city and only returned to my office today. That explains the delay in this reply. Committee will grant you public hearing as per your request 2 p. m., Monday afternoon, April 29. Advise promptly if you can be here at that time.

JOHN L. McCLELLAN,
*Chairman, Senate Select Committee on Improper Activities in the Labor
or Management Field.*

ASHDOWN, ARK.

HON. JOHN L. McCLELLAN,

*Chairman, Senate Select Committee on Improper Activities in Labor or
Management Field,
Washington, D. C.:*

Reurtel date I will be present with counsel for public hearing 2 o'clock, April 29.

EARL P. BETTENDORF.

The CHAIRMAN. You have counsel representing you, Mr. Bettendorf?

Mr. BETTENDORF. I do, I have Attorney Williams, and Attorney Greenbaum.

The CHAIRMAN. Will you please identify yourselves for the record?

Mr. WILLIAMS. I am Richard L. Williams.

Mr. GREENBAUM. Lewis B. Greenbaum, Richmond, Va., sir.

(At this point, Senator McNamara entered the hearing room.)

The CHAIRMAN. All right, Mr. Bettendorf, do you have a prepared statement?

Mr. BETTENDORF. I do not.

The CHAIRMAN. You may proceed. Your request has been granted for you to testify, and so you may proceed now and make such statement as you desire.

Mr. BETTENDORF. It was not my intention to be here today. What brought me here today was the statement made by one of the Senators that being the aggressor from the evidence shown that I was more guilty than the people who received the money and for that reason I should be indicted.

I am here today to tell this committee and the public that there is no basis for any indictment or that I was not the aggressor in contacting the union.

The CHAIRMAN. I think that you had better give a little background. You had a contract of some kind to supply material or equipment?

Mr. BETTENDORF. I think we had either 2 or 3 contracts to supply material, that is pallets to the United States Government. The large contract was with the Belle Mead General Depot at Summerville, N. J., and another one a contract direct with Tobyhanna. Our first shipment was made, I believe, on August 3, 1953, and the first truckload was shipped out that evening and the next afternoon, late in the afternoon, I received a telephone call collect from the driver of that truck advising me that it was impossible for him to unload.

The union demanded \$13.12. I told him that there must be something wrong, some sort of a mix-up, and he was probably at the wrong gate, and he assured me he was at the main gate. He said there is no possibility of unloading without the payment.

He was already on the Tobyhanna Base. He drove out when he went down to phone me and I told him to stay at that telephone and give me the number and I contacted the purchasing department in Washington. I contacted them shortly before 4 o'clock in the afternoon, telling them that we were unable to unload at the Tobyhanna Base due to the fact that the union wanted \$13.12. I was unable to understand how they could extract that fee on Government merchandise going into Government property.

Well, the gentleman I talked to expressed the same doubt, and he said "There is something wrong there. It is late in the day," he said, "I will have to investigate or put this through certain channels and possibly tomorrow I will be able to give you the answer."

Well, the next morning my truck went up there and it was unable to unload. He came back the second time and phoned me, and I called Washington and wasn't able to get any information and they didn't act that quick and I thought they would probably get a few soldiers to drive those union hoodlums out. But that isn't the way the Government works. So I called my truckdriver back, and I told him to go up and unload. But what happened that same day, when he called on August 3, we were also loading another truck for Tobyhanna. There was some question arose as to whether or not we should send that truck on, but I felt the Government would straighten out the situation and so we sent that truck on also, which arrived in the afternoon of August 4.

When he arrived, of course, the first truck was unloaded, and we had made the payment of \$13.12. This truckdriver also called and he couldn't unload. I put him up at the hotel overnight and gave the Government another day.

I phoned the Government again the following morning, and nothing had been done, and so all I could do was to unload the pallets.

With that, I stopped shipment to Tobyhanna.

Under date of August 11, after numerous telephone calls, I wrote the Government and told them with reference to the various telephone calls, delivery to this point was stopped by us on August 4, due to the fact that we were unable to unload our pallets because of the interference from the union, and "It is necessary to pay \$13.12 to the union before the Government will allow us to unload the pallets on their property.

"This almost unbelievable situation wherein the union can extract a fee on Government merchandise on Government property is completely unknown throughout the entire industry."

So August 20, or about August 18, somewhere in there, I received a telephone call one afternoon from a man who identified himself as Joseph McHugh, business agent of the teamsters union in Scranton. He asked me if I would come up and see him. I believe this was about on a Thursday.

I asked him when he wanted to see me and he said the next day. And I said it was impossible but I would try to be there on Saturday.

Now, in the meantime, the next day, we received a notice from the Government, by telephone, diverting the pallets which we had on the Belle Mead contract, and now, understand, when we stopped shipment on the original contract to Tobyhanna we kept on manufacturing and shipping to Belle Mead. It didn't in any way interfere with our operations. But when we received the diversion from Belle Mead to Tobyhanna, it made a settlement with the union possible or to shut down.

I drove to New York and on Saturday morning I drove to Scranton, and went up to the union office up on the second floor, and I was unable to locate Mr. McHugh. I walked around the block there, and looked at windows until about a quarter to 12, and I went back up to the union office and McHugh was nowhere to be found. Finally, a girl in the office volunteered the information that he was probably out at the depot.

I drove out to the depot after eating lunch, and the guard at the gate said that Mr. McHugh hadn't been there but another steward of the union was there. He said "You will find him down by the Mercury automobile, just down to the left of the gate."

I drove down, and a man who identified himself as Paul Bradshaw walked up. I gave him my name, and he said "You are the man that is bringing these pallets in here," and I said I had brought some in, and I said "Do you know where I can locate Mr. McHugh?"

He said, "He is downtown somewhere" and I said I had been downtown all morning looking for him.

He said, "He won't be out here any more today," and I said "I would like to have his number, and I will contact him tonight by phone because we are bringing pallets into this activity on either Monday or Tuesday the following week."

He gave me Mr. McHugh's telephone number.

I called Mr. McHugh on Saturday night from New York City, and told him we were going to resume shipments to that base and now I said, this contract is one with a very small margin of profit and we couldn't afford to pay \$13.12 and our truckers didn't have much money, and so that to let those trucks go through just as cheaply as possible and I would be up there at an early date.

We talked a few minutes, and made a date for Saturday morning, the following Saturday morning at 10 o'clock in the union offices.

We sent these trucks up there that week. We got a cut-price deal that week: on the 24th we unloaded, 2 trucks for \$13.72, that was signed by Steward A. George. We also unloaded, evidently in the afternoon, 2 more, \$13.12, \$6.06 a truck.

Later on in the week we had 4 more at \$26, that was signed by A. George. There is one also signed here by F. Flaherty. Another here, 4 more trucks, \$26.24, union fees, to Miss Frances Gaylord. That is on the 24th.

On Saturday morning, I picked up my brother-in-law at Ten Eyck, N. J., and we went to Scranton. We drove up to the union offices, and it seems as though everybody in Scranton was paying dues that morning because we were away down to the bottom of the steps, and finally we made our way to the top, and told the man behind the cage who we were. And he went around and conferred with the men in the private office and soon the door buzzed and we walked in.

In that office was Bob Malloy, Robert Malloy, and Joseph McHugh, and either Pinkey Heart or Durkin, and I don't recall which one of the two.

I had never met McHugh except talking to him on the telephone.

He said, "Well, now we have a lot of people out of work here, and we can't let these contractors get in here for nothing, and if you are going to put any more pallets in you are not going to put them in at the cut price you did last week."

So he said, "Now, one way or the other, either you can keep your merchandise or pay \$13.12."

I told him due to the fact I was subcontracting some of these contracts and I had pallets coming from various destinations, 2 or 3 other plants, it was very difficult for me to give a driver \$13.12 because probably if it was 6 o'clock the driver decided he was too tired and we had to put another driver on the truck. What I would like to do, I said, if it was necessary to pay \$13.12 was to pay you on a weekly basis.

"Well," he said, "That is O. K. We would just as soon have it that way."

And I said, "How much a week do you think it is worth?"

He said, "I want \$225 a week."

I said, "Well, we can't stand any \$225," and we bartered back and forth, and we finally settled on a basis of \$175 a week.

The question then arose as to how we were to pay him the money. The one stipulation was they must have the money on Monday morning before any trucks were unloaded, and the money must be in cash.

I said, "All right; I will mail the money sufficiently early in the week so it is here at your office on Monday morning."

So that I would have a record that this money was received, I put the \$175 in cash in an envelope, and I sent it by special delivery to the union offices at Scranton, Pa.

This went on for some 6 or 7 weeks.

Finally, I got a telephone call one afternoon from Joseph McHugh, and he said, "My God, don't send any more of those packages in here. The Feds are after us."

"Now," he said, "you just hold everything and we will call you from time to time as we need some money."

That was the way the final settlements all during the balance of the contract were made. They could call me and I would take 6 or 7 or 8 hundred dollars, depending on how many weeks it had been since we had been up there, and I would meet them at a certain place which they advised me to meet them at, whether a bar or Tobyhanna, and I would pay them in cash, and the cash was generally in an envelope. That is the way the dealings, my dealings with the union, were handled.

Senator McNAMARA. Mr. Chairman, some reference has been made to one of the Senators who made a certain statement. Obviously the

reference was to me. I would like permission, Mr. Chairman, to read to the witness the testimony that we have in this committee concerning this incident. And the conclusion that I drew, that you will recall, was on the basis of this testimony. This is from the hearing of April 16, 1957, marked volume 1 of this committee, on page 31. If counsel wishes to check the record, I will be glad to wait until he finds the page.

Mr. BETTENDORF. I have it.

Senator McNAMARA. I would ask you to start with me, and you know who Mr. Kennedy is.

Mr. BETTENDORF. Pardon me?

Senator McNAMARA. The chief counsel of this committee.

Mr. BETTENDORF. I met him today.

Senator McNAMARA. And you know who Mr. Bradshaw is, and your remarks just indicated that you knew him?

Mr. BETTENDORF. That is correct.

Senator McNAMARA. The conversation, or the names are referred to here in the questions and answers regarding these two people, and that is why I am asking you to identify them, if you know who they are.

On page 31, about the sixth or seventh line:

Mr. KENNEDY. Who was the person who called you?

Mr. BRADSHAW.—

and this witness was testifying under oath, and I quote:

A fellow by the name of Bettendorf, and he called and he said, "Paul, I am sick and tired of this stuff, the trucks being tied up and things like that. How about if I give you \$200 a week and you let the trucks go through?"

Continuing his statement:

So I said, "No; you can't give me no \$200 a week. We have too many men out of work in Scranton." I said, "If I let you go through I would have to send home between 9 and 10 men a day for the next 9 or 10 months."

So he said, "O. K. What is the business agent's number?" and I gave him Joe McHugh's number, and the following day Joe McHugh came up on the job and he said, "Paul, we can't touch this outfit no more. Just let him go through. He has a big drag in Washington." And so he said, "You let him go through." That was the end of that, and he went through for the rest of the job.

Mr. KENNEDY. He went through and you didn't put men on?

Mr. BRADSHAW. We didn't put any more men on his trucks, and he came in for about 6 or 7 months.

The CHAIRMAN. Is that the same person who had offered you \$200 a week if you would let his trucks go through?

Mr. BRADSHAW. Yes, sir.

Then it goes on to draw the inference that this bribe was accepted by McHugh, and, naturally, under those circumstances, I thought that you should be here and have a chance to reply to this testimony that is in the official record. That is why I made the request that you be here. I think that you have something to face up to, on the basis of this record, and you should have an opportunity to meet it.

Mr. BETTENDORF. That is right, but every statement Mr. Bradshaw made there is untrue.

Senator McNAMARA. I do not question that, but it certainly is a strange practice for a businessman in your circumstances to give cash in the amounts of \$175 to a business agent. Is that your standard business practice?

Mr. BETTENDORF. Is that a standard business practice?

Senator McNAMARA. Of yours.

Mr. BETTENDORF. It is not.

Senator McNAMARA. Then you meet people every month or two and hand them bundles of money to carry through what, obviously, as the record up to date is set forth, is a bribe. Certainly these are strange practices for a man of your standing in the business world.

Mr. BETTENDORF. Can I reply to that statement?

Senator McNAMARA. Surely, as far as I am concerned. The Chair takes over now.

Mr. BETTENDORF. I paid this money with the knowledge and consent of the United States Government.

Senator McNAMARA. Why did you not say so when you explained it? You went into great detail.

Mr. BETTENDORF. I have only explained part of this to date.

Senator McNAMARA. That is for sure.

Mr. BETTENDORF. I would like to put in the record this statement: I wrote the Government relative to the increased freight cost, which was a common thing. You either decrease or increase freight, depending on your mileage, on a diversion on any contract. I told them the increased cost per truckload would be \$47.50. In addition to that amount, there is a charge made by the teamsters' union of \$13.12 for unloading each truck. Our trucks have been hauling 304 pallets in and the additional cost to Tobyhanna will be 19½ cents per pallet.

On the original contract, we figured a delivery cost of 42½, and this, plus the \$19, makes a delivered cost of 61½, which includes 4½ cents which the United States Government gave me to pay the union. And to put that in the record, here is a Department of the Navy, United States Purchasing Office, contract change order giving me a total of \$18,591.30 so that the union could be paid.

Senator KENNEDY. Mr. Bettendorf, as I understand it, you have talked to this Mr. McHugh on the phone and you said you wanted to bring these in as cheaply as possible. That was your first conversation, and he said, "Well, come and see me next week." Is that right?

Mr. BETTENDORF. I called Mr. McHugh on the phone?

Senator KENNEDY. That is right.

Mr. BETTENDORF. Mr. McHugh called me on the phone.

Senator KENNEDY. And you stated to him at that time that you wanted to bring these in as cheaply as possible.

Mr. BETTENDORF. Yes, sir.

Senator KENNEDY. Did you make any suggestion at that time that you would pay him or the union direct, rather than paying him per shipment, on the phone? Did you make any suggestion you could come to some agreement as far as what the cost would be?

Mr. BETTENDORF. The first telephone call came from the union to me. I went to Scranton to try to locate Mr. McHugh. I then drove out to Tobyhanna, and he not being there, Paul Bradshaw gave me his telephone number. That was the first time I met Paul Bradshaw and the only conversation I had with him. And I called him from New York on Saturday night advising him that our trucks should be there the following week and it was impossible for me to be there, but I would be there as soon as possible.

At that time, we made the date for Saturday at 10 o'clock in the union office.

Senator KENNEDY. Was your brother-in-law present during the conversations that you had with Mr. McHugh?

Mr. BETTENDORF. Every bit, and so testified before the FBI.

Senator KENNEDY. Was anyone present on Mr. McHugh's behalf, or just the three of you?

Mr. BETTENDORF. Mr. McHugh and Mr. Malloy were both present.

Senator KENNEDY. When this conversation took place?

Mr. BETTENDORF. That is correct.

Senator KENNEDY. Was it your impression, and is it your opinion, and have you testified that Mr. McHugh was putting the money in the union treasury, or keeping it himself?

Mr. BETTENDORF. Well, he gave me quite a talk that there was quite a bit of unemployment, and he said it is necessary to pay some of these men, and from the first conversations I was of the opinion he was paying the men. Later on, I changed my mind.

Senator KENNEDY. Why did you not send it to him in the form of a check?

Mr. BETTENDORF. Pardon me?

Senator KENNEDY. Why did you not send it to him in the form of a check instead of cash?

Mr. BETTENDORF. Why didn't I, in the form of a check? They would not take a check.

Senator KENNEDY. Did he tell you that he would not accept a check?

Mr. BETTENDORF. Yes, sir; we offered him a check.

Senator KENNEDY. You must have come to the conclusion at that time that he was going to use it for himself, when he would not accept a check. Did you deduce that?

Mr. BETTENDORF. Well, he claimed that these men were coming in for assistance into the union office, and that money would be used for the assistance of the men.

Senator KENNEDY. But it could have been used in the form of a check, could it not?

Mr. BETTENDORF. Well, I would think so if it was a straight-out-and-out legitimate deal.

Senator KENNEDY. But, in other words, when you were giving the money you knew, or at least it was your conviction, that this money was going into the pockets of these two men and not into the hands of the unemployed union members.

Mr. BETTENDORF. That is evidently where it went, although, outside of getting on that, I had no other way of knowing.

Senator KENNEDY. The fact is that you were paying them a bribe, then?

Mr. BETTENDORF. I was paying them a bribe, and I paid it with the complete knowledge of the United States Government.

Senator KENNEDY. I am not talking about that, but I am talking about your own responsibility. And you know that is prohibited by law for you to pay a bribe.

Mr. BETTENDORF. Well, there was no bribe as far as I was concerned. They advised me that they had a contract, that the building of the Tobyhanna Depot was under the supervision of the United States engineer, and the United States engineers gave them the permission to take over the ground and charge \$13.12 and that the United States Government paid it on all movements of Signal Corps supplies coming in as well as all of the other supplies.

Senator KENNEDY. We are not talking about that. We are talking about the fact that you gave \$175 a week in cash to Mr. McHugh, and it was your impression at the time you were giving it that it was going into his pocket, is that not correct?

Mr. BETTENDORF. No; it was not my impression it was going into his pocket. He advised it was for the needy union men of Scranton.

Senator KENNEDY. At first you believed him, and then you did not, is that not correct?

Mr. BETTENDORF. Later on from various statements they said and what I heard at Tobyhanna, I was of the opinion that probably they were lying to me.

Senator KENNEDY. Then you continued to pay the money?

Mr. BETTENDORF. I continued to pay the money.

Senator KENNEDY. Then you were giving them a bribe?

Mr. BETTENDORF. Well, I didn't consider it a bribe.

Senator KENNEDY. What did you consider it when you were giving him, or he was extorting money from you, and you were paying off? Is that not a bribe?

Mr. BETTENDORF. I don't know how you consider it a bribe when the money was paid to me by the Government.

Senator KENNEDY. I am not talking about who you got it from. I am talking about your giving it and so, therefore, you were giving to him or you were giving to the head of the union cash, which he was taking from you under the pretext it was going to be given to union members, but which you yourself believe was going into his pocket. There is no other word for it.

Mr. BETTENDORF. The only time I changed my opinion was when we made them a payment and we were sitting there over a bottle of beer, and certain statements that he made was the only way that I had a change of opinion, although I had no definite way of knowing.

Senator KENNEDY. What were those statements that he made?

Mr. BETTENDORF. Well, the statements were made that Robert was not saying anything out at the depot relative to this money or mentioning anything to Paul Bradshaw.

Senator KENNEDY. Did you tell your drivers you were paying this money?

Mr. BETTENDORF. Everybody in our organization knew it, the truck drivers, office force, and everything.

Senator KENNEDY. Let me ask you about something else. Who did you tell in the Navy that you were paying off \$175 to Mr. McHugh?

Mr. BETTENDORF. Who did I tell? I called the purchasing department of the Navy.

Senator KENNEDY. Where? In Washington?

Mr. BETTENDORF. That is correct.

Senator KENNEDY. Who did you talk to?

Mr. BETTENDORF. Leonard C. Deisselhors.

Senator KENNEDY. What was his function?

Mr. BETTENDORF. He was the man who purchased the pallets.

Senator KENNEDY. What did you say to him?

Mr. BETTENDORF. When I called him the first time? I called him and told him I had a truck at Tobyhanna, that the truck attempted to unload the pallets and the union demanded \$13.12. The man called me, he was waiting to unload the pallets, and I said, "I don't under-

stand how a racket of this kind can be running." He said, "I don't believe it is going on." He said, "it is late in the day and I will investigate the first thing tomorrow morning." I had my man go over to the hotel, check in to a hotel, keep the pallets.

The next morning he went up, tried to unload, wasn't able to unload, came back and called me, and I called Washington, and they passed it along to his superiors, and they said it was in channels and would take some time to investigate. There was nothing in the world that I could do except go over and pay them the \$13.12.

Senator KENNEDY. Then what happened?

Mr. BETTENDORF. They unloaded the pallets. They didn't unload them. The Government unloaded the pallets.

Senator KENNEDY. Then what happened?

Mr. BETTENDORF. I had one more truckload on the way.

Senator KENNEDY. I am talking now about the \$175.

Mr. BETTENDORF. Understand, that was the first load. There wasn't any \$175 at that time. That was the first load of pallets to go in. We had one more truck on the way. The same thing happened on that truck. We kept in steady touch with Washington to find out the results of their investigation.

Later on, in the month of August, the Government advised that the statements that I made to them were true, and on that basis they amended my contract.

Senator KENNEDY. What statements did you make, that they were seeking this \$13?

Mr. BETTENDORF. The only way we could deliver the pallets was to pay \$13.12.

Senator KENNEDY. Then you told the Government, or did you tell the gentleman from the purchasing office, that you were paying that \$175 a week to Mr. McHugh?

Mr. BETTENDORF. We weren't at that time paying \$175 a week. That came later on in August.

Senator KENNEDY. When it came later in August, did you inform anybody in the Government?

Mr. BETTENDORF. That I paid them \$175?

Senator KENNEDY. Yes.

Mr. BETTENDORF. I did not.

Senator KENNEDY. Then, in other words, you did not clear with Navy the payment of \$175 a week?

Mr. BETTENDORF. You see, here was the proposition: What was the difference, whether we paid \$13.12 at the gate or if we paid it in one lump sum at the end of the week?

Senator KENNEDY. The only difference is a question of what happened to it.

Mr. BETTENDORF. Of course, I have no way of knowing what should happen to the money.

Senator KENNEDY. Wait a moment. I just want to get this right. You told the people at the Navy that you were going to pay \$13.12 on the pallets, is that correct?

Mr. BETTENDORF. That is correct.

Senator KENNEDY. And they told you by letter that that was agreeable to them?

Mr. BETTENDORF. No; they didn't tell me by letter. They didn't tell me by letter at all.

Senator KENNEDY. What did they do?

Mr. BETTENDORF. I wrote them under date of September 1, and I set up the cost of the increased transportation, and I told them in addition to the freight, in addition to this amount there is a charge made by the teamsters union of \$13.12 for unloading each truck. Our trucks have been hauling 304 pallets and the additional cost at Tobyhanna, which included \$13.12, would be 19½ cents a pallet. On that basis, the Government give me this change order including the four and a quarter cents.

Senator KENNEDY. They gave you the approval for paying an extra \$13.12, is that correct?

Mr. BETTENDORF. That is correct.

Senator KENNEDY. But you paid in place of that \$175 in cash?

Mr. BETTENDORF. That is correct.

Senator KENNEDY. Obviously, it was less or you would not have adopted that procedure.

Mr. BETTENDORF. No.

Senator KENNEDY. It was not less?

Mr. BETTENDORF. That was strictly a gamble. We have no way of knowing how many trucks we can put in there a week. I have seen road conditions in the Pocono Mountains—

Senator KENNEDY. I thought you told Paul Bradshaw that the reason you could not pay \$13.12 was that you were not making much money on the contract and could not afford to pay that.

Mr. BETTENDORF. I didn't tell Paul Bradshaw that at all.

Senator KENNEDY. Did you tell Joe McHugh that?

Mr. BETTENDORF. I certainly did.

Senator KENNEDY. But nevertheless you say now that \$175 a week in cash was not any cheaper than \$13.12, is that right.

Mr. BETTENDORF. It worked out practically the same.

Senator KENNEDY. You say that the Navy gave you the permission to pay the \$13.12, but you never told the Navy that you were paying it instead at \$175 in cash to Mr. McHugh which, you decided after having the beer with him, he was using himself, so you cannot say that the United States Navy gave you the consent to the proposition as you developed it.

Mr. BETTENDORF. As I understand, the United States Navy—the purchasing office sent out a change order in which they increased it four and a quarter cents.

Senator KENNEDY. I want to say that I cannot accept your explanation that the United States Navy or anyone in the Navy were informed exactly as to what was going on. You put it to them as an increased labor cost.

Mr. BETTENDORF. I didn't put it increased labor cost at all. I said the unloading cost.

Senator KENNEDY. There was an increased labor cost of unloading.

Mr. BETTENDORF. There was no unloading. The Government unloaded the pallets. The union didn't unload the pallets.

Senator KENNEDY. We will take it your way, the additional cost of handling the goods was \$13.12. The point you are making is that there was that indication of recognition by the United States Navy that a certain sum was going to the teamsters, is that correct?

Mr. BETTENDORF. State that again, will you?

Senator KENNEDY. The fact that they gave you that additional allowance on your contract, you argue was an indication that they understood that you were paying the teamsters \$13.12 or approximately for each pallet, is that correct? That is the reason they gave you the allowance, is it not?

Mr. BETTENDORF. What were we paying them.

Senator KENNEDY. You were paying \$175 a week.

Mr. BETTENDORF. In the long run.

Senator KENNEDY. You say it is the same.

Mr. BETTENDORF. In the long run it figures out to the same thing.

Senator KENNEDY. You would not say that the United States Navy was ever informed by you that you had a conviction after having a beer or for other reasons that this money was going into Mr. McHugh's pocket, would you?

Mr. BETTENDORF. I certainly did not.

Senator KENNEDY. You never informed them of your suspicion?

Mr. BETTENDORF. I did not; no.

Senator KENNEDY. What was the total amount that you gave Mr. McHugh?

Mr. BETTENDORF. Something over \$4,000.

Senator KENNEDY. Over \$4,000, and you deducted it as a business expense?

Mr. BETTENDORF. Let me give you an idea how this was handled. Every check that we wrote for \$175, our checkbook and all our general books, which were photostated by the FBI, every single one shows the exact entry, what the money was paid for, and we took into account the increased price on our pallets which became increased receipts. We hid nothing. Our books absolutely have every single entry and shows who the money was paid to.

Senator KENNEDY. The \$13.12, you say no work was done for that, that was just a payment to the union in order that they could pay off these other unemployed union members, is that they could pay off \$13.12? No services were performed?

Mr. BETTENDORF. Well, what happens, when you have a contract with the Government on pallets, the Government unloads the pallets. The union don't unload the pallets. So there was nothing, no service for the union to perform.

Senator KENNEDY. I would like to ask the counsel whether the counsel or committee were able to get ahold of the books of the union to find out whether Mr. McHugh was making a record of the receipt of \$175 a week.

Mr. KENNEDY. We requested the books and records, we subpoenaed them, and found they were in the possession of the United States attorney in Scranton, Pa. We made an effort to get them from the United States attorney and found that they were then under the custody of the grand jury, and the judge ruled that we would not be allowed to get those books to examine them.

Senator KENNEDY. Mr. McHugh was indicted.

Could you tell me exactly what the indictment was for, of Mr. McHugh, at this time?

Mr. KENNEDY. One of the indictments is for the receiving of a payoff from Mr. Bettendorf, Mr. Joseph McHugh and Mr. Robert Malloy, that he received some \$4,000 from Mr. Bettendorf in the

form of extortion, with the use of threats and fear, and if Mr. Bettendorf did not pay this money, this some \$4,000 he would be subject to delays in his deliveries and there was fear and intimidation used against Mr. Bettendorf.

Senator KENNEDY. I would conclude that Mr. McHugh has laid himself open to suspicion that he was using this money for his own personal use. But I likewise suggest that the procedure you adopted was completely unsatisfactory, that it did join with Mr. McHugh, particularly after you had your suspicions that he was using it for his own purposes, that you did join with him in his improper action, and that the procedure you adopted of sending him cash should not have been done, and you should have, instead of paying \$175, paid him per shipment, which is the impression that the United States Navy had.

While I recognize the difficulties under which you were operating, I nevertheless think that the procedure that you adopted was completely improper.

Senator GOLDWATER. Mr. Chairman?

Mr. BETTENDORF. I want to bring this out. In order to have a record that Mr. McHugh received these payments so that we could unload each week, they were sent special delivery so we would have a complete record of all those payments being received on Monday morning, so that our trucks could unload. We had weeks that we paid more than \$13 a truck. We will take the week of Thanksgiving and Christmas. We only operate in the Government activity 2 and 3 days a week, because you would never unload the day after a holiday, when it is the end of a week.

We know those weeks we paid a lot more. But it was merely to get away from hunting every truck driver at the various places we were manufacturing pallets and give him \$13.12. There was no attempt at all to bribe anybody.

Senator KENNEDY. You have said that was not your original impression, but you did come to that impression after you had this beer. Were there any witnesses to that conversation or were there just the two of you?

Mr. BETTENDORF. Pardon me?

Senator KENNEDY. Were there just the two of you present during the session that gave you the idea Mr. McHugh was using the money himself?

Mr. BETTENDORF. I may have had another one of my men there. He was there. I don't remember whether he was there when that conversation came up or whether they asked him to leave the room or not.

Senator KENNEDY. There were just the two of you?

Mr. BETTENDORF. No, Mr. McHugh, Mr. Malloy, and a man by the name of Joe Wood, who testified to the FBI.

Senator KENNEDY. After that conversation, the payments continued?

Mr. BETTENDORF. They certainly did. I had nothing to base it on except my suspicion.

Senator GOLDWATER. Do you recall how many truckloads you shipped into this depot during the courses of the contract?

Mr. BETTENDORF. Understand, we had more than one contract, and we bid direct on some of the contracts. In bidding direct on some of

the contracts in the future, I think we had one contract after we knew about this, our bid was based at a price whereby we could pay the union, if necessary.

Senator GOLDWATER. I am referring to the number of trucks that you sent in there that would come under the \$13.12 a truck or \$175 a week.

Mr. BETTENDORF. Well, at 95,000 pallets and 304 to the truck, it would be roughly 310 or 315 truckloads at \$13 and some cents, which would be roughly forty-one or forty-two hundred dollars, and that is exactly what we got.

Senator GOLDWATER. That is what I was trying to bring out, that evidently the \$175 a week did work out fairly close to the \$13.12?

Mr. BETTENDORF. That is correct.

Senator GOLDWATER. That is all I have.

The CHAIRMAN. Are there any other questions?

Senator McNAMARA. Mr. Chairman, I have some questions, if no one else has at this point.

The CHAIRMAN. Senator McNAMARA.

Senator McNAMARA. Has a major part of your business been in Government contracts or subcontracts?

Mr. BETTENDORF. Did you say has a large part?

Senator McNAMARA. A major part.

Mr. BETTENDORF. In Arkansas at the present time it is a major part and in Virginia it is about 50 percent.

Senator McNAMARA. Does that answer imply that previous to the Arkansas and Virginia projects that the major portion of your business was not in Government contracts or otherwise?

Mr. BETTENDORF. I didn't understand you.

Senator McNAMARA. Let us go back to the start.

Has a major part of your business been in Government contracts and subcontracts, or have you been operating more in the private field?

Mr. BETTENDORF. We are going more and more into commercial work, which is more profitable than Government.

Senator McNAMARA. But in the past you have been doing more Government work than private?

Mr. BETTENDORF. That is true.

Senator McNAMARA. You list yourself or your identify yourself as a subcontractor in this operation, in Scranton, Pa.

Mr. BETTENDORF. I didn't say I was a subcontractor. I said I did subcontract.

Senator McNAMARA. What was your role, then, in this job in the Scranton area? Were you a subcontractor or prime contractor?

Mr. BETTENDORF. I was a prime contractor.

Senator McNAMARA. What was your relationship with the general contractor on the construction job, if any?

Mr. BETTENDORF. None whatever. I never met him.

(At this point, Senator Kennedy withdrew from the hearing room.)

Senator McNAMARA. Your contract was direct with the Government?

Mr. BETTENDORF. That is correct.

Senator McNAMARA. About how many employees do you have in your organization?

Mr. BETTENDORF. We have about 125.

Senator McNAMARA. Are they organized? Are they union employees?

Mr. BETTENDORF. No, they are not.

Senator McNAMARA. How do your wage scales compare with wages in your competitors' organizations?

Mr. BETTENDORF. We have the best in the industry.

Senator McNAMARA. Your wages are higher than the union scales of the industry?

Mr. BETTENDORF. Understand, in Arkansas, in our section of Arkansas, there are practically no unions and we pay better than prevailing wages.

Senator McNAMARA. Better than the going rate in that area?

Mr. BETTENDORF. That is correct.

Senator McNAMARA. Your wages, you would say, were below your competitors'?

Mr. BETTENDORF. Our competitors?

Senator McNAMARA. Yes.

Mr. BETTENDORF. We pay the highest in our industry.

Senator McNAMARA. Did your company in the Virginia operation that you referred to pay the Federal minimum wage of at least 75 cents an hour that was in existence at that time?

Mr. BETTENDORF. We sure did.

Senator McNAMARA. Does your company now in your Arkansas operation pay at least a dollar minimum?

Mr. BETTENDORF. We certainly do.

Senator McNAMARA. Have you ever held Government contracts that were covered by the prevailing-wage determination under the Bacon-Davis and Walsh-Healy Acts?

Mr. BETTENDORF. Do you mean are our contracts covered under the Walsh-Healy Act?

Senator McNAMARA. Have you ever had such jobs that were covered under the prevailing wage rates?

Mr. BETTENDORF. Ours are all covered under Walsh-Healy.

Senator McNAMARA. They are?

Mr. BETTENDORF. That is right.

Senator McNAMARA. Does this money that was referred to here in the transaction between you and the business agent of the Scranton local fall in the category of the usual practice in your operation? Do you ordinarily pay off in this manner? Or is this an exceptional case?

Mr. BETTENDORF. We have never paid off anyone.

Senator McNAMARA. Then this is an exceptional case?

Mr. BETTENDORF. It certainly is.

Senator McNAMARA. That is very interesting.

Thank you, Mr. Chairman.

The CHAIRMAN. Are there any other questions?

(The witness conferred with his counsel.)

The CHAIRMAN. Do you have any further statement, Mr. Bettendorf?

(The witness conferred with his counsel.)

Mr. BETTENDORF. Understand, Senator, I would like to add that we had no other option. Either we did not perform under our contract or we paid \$13.12. There seemingly was no one in the Government to help us unload, and if we didn't pay the \$13.12 nothing happened, we just sat there. So we were forced.

The CHAIRMAN. It is your contention that this money was extorted from you; you could not perform your contract without this money being paid?

Mr. BETTENDORF. That is absolutely right.

The CHAIRMAN. And, therefore, you contend that it was extortion and not a bribe?

Mr. BETTENDORF. That is absolutely right.

Senator McNAMARA. Mr. Chairman, that raises a question in my mind.

If this was extortion, then was it not equally extortion on the part of the witness when he got the money from the Government?

The CHAIRMAN. That is a matter that the Government will have to settle. I am trying to get the facts here.

They increased your contract so that you could pay the money; that is what you said?

Mr. BETTENDORF. That is correct.

Senator McNAMARA. Apparently that is the only way they can get the merchandise, so I think that is just as equally extortion as the other.

The CHAIRMAN. The Chair is not arguing with the Senator as to what his opinion is. I'm trying to get the facts on the record from this witness. We can all draw our conclusions.

As I understand you, at the time you were paying the money, you were advising the Government of your action?

Mr. BETTENDORF. I certainly was.

The CHAIRMAN. Do you have records of that?

Mr. BETTENDORF. We have. I cooperated with the FBI for the past 2 years or more. The FBI had free access to every record. We made available every record to them. They worked through our office every day they wanted to. Our employees worked with the FBI. I traveled anywhere in the United States to assist them whenever they called me. I have spent many dollars of my own money assisting the Government and prosecuting what I considered an unfair price. What you need is 100 businessmen that will put their neck on the block the way I did, and you will have no trouble stamping out this union activity.

The CHAIRMAN. You are talking about the illegal activity. You do not want to destroy unions, do you?

Mr. BETTENDORF. No.

The CHAIRMAN. Are there any further questions?

Senator GOLDWATER. I would like to clear one thing.

Would you mind telling us what was your margin of profit per pallet in your original contract?

Mr. BETTENDORF. Our margin of profit was under 10 percent, because in renegotiation they weren't able to get any money.

Senator GOLDWATER. What would that be in dollars or cents?

Mr. BETTENDORF. A pallet at that time sold in the neighborhood of \$2.75 or 80 cents f. o. b. plant.

Senator GOLDWATER. Was your net profit figure, 22 cents, then?

Mr. BETTENDORF. Our net profit was under that.

Senator GOLDWATER. Would your gross profit figure be 20 cents.

Mr. BETTENDORF. Some years we lose money on Government contracts. That year we made some, but we didn't make enough to pay renegotiation.

Senator GOLDWATER. If you had to pay 4 cents a pallet, you would not make money on the contract?

Mr. BETTENDORF. We made more than 4 cents.

Senator GOLDWATER. Pardon?

Mr. BETTENDORF. We made more than 4 cents. If we were forced to pay 4¼ cents, we would still have made money.

Senator GOLDWATER. You would have?

Mr. BETTENDORF. That is right. But you can't run a business day in and day out on 4 percent. These Government contracts to a small contractor sometimes are very, very bad. Last year we lost \$20,000 due to the fact that the Government has no escalator clauses in their contracts. We had two advances in freight rate, plus the advance from 75 cents to \$1 an hour, which cost us \$20,000 on contracts we already had. We now have a number of contracts which go to the west coast and on which the freight rates are already high, and the railroads are now asking for a 12-percent increase. If anybody thinks that a small contractor with the Government has the gravy, he better analyze the books.

Senator GOLDWATER. I never could figure out why anybody would want to do business with the Government.

Mr. BETTENDORF. It sometimes makes me wonder why that isn't true.

The CHAIRMAN. Senator Mundt?

Senator MUNDT. Mr. Bettendorf, what do you think would have happened had you simply said, "We aren't going to pay this"?

Mr. BETTENDORF. If I hadn't paid it?

Senator MUNDT. Yes. If you just told your trucker "We are not going to pay it"?

Mr. BETTENDORF. We would have shut down the factory.

Senator MUNDT. And been put out of business?

Mr. BETTENDORF. That is right. It is just a question of paying them \$13.12 or go out of business. All the business we had on our books at that time was Government business.

Senator MUNDT. So they really had a gun at your head?

Mr. BETTENDORF. They certainly did. They didn't fail to use it.

Senator MUNDT. They were either extorting this money from you or were extorting this money from the Government, which I think would be even worse, if a labor union is in a position to extort money from the taxpayers, from Uncle Sam, in which case you were the intermediary, if they extorted it from you and you paid it and had not gotten it back from the Government. It would be a pretty serious situation.

Mr. BETTENDORF. That is correct. I might also add that in spite of the money that I gave to the union, I certainly couldn't have been a very good friend of theirs, because they started phoning me from all over the country. They would drive out of Scranton 50 miles and phone me from a vacant telephone booth or call me from an isolated bar 30 or 40 miles out.

Senator MUNDT. What would they say in the telephone calls?

Mr. BETTENDORF. Pardon me?

Senator MUNDT. What was the purpose of the telephone calls?

Mr. BETTENDORF. Well, I took the matter up with the FBI. The FBI ran down all the calls. I paid thousands of dollars for detectives on my home. That is what I have gone through.

Senator MUNDT. You did not tell me what the purpose of the telephone call was. Did they call you from a telephone booth 50 miles out of town and talk to you?

Mr. BETTENDORF. They didn't talk to me; no.

Senator MUNDT. Who did they talk to?

Mr. BETTENDORF. They would talk to my secretary. She would turn it over to the FBI, and they would run out and trace down the calls.

Senator MUNDT. What did they say to the secretary?

Mr. BETTENDORF. They made the call person to person, and then would ask the operator to find out where I was or when I would be in or located. We received numerous calls at my home address. The union evidently figured out I lived in Richmond and it was a long while from what we found out, before the union actually found out that I lived in Texarkana, Texas. I was advised by the FBI on certain movements, what to make and what not to make.

Senator MUNDT. I am trying to find out whether they were trying to do what? What was the purpose of the call?

Mr. BETTENDORF. Well, I will go one step further——

Senator MUNDT. Let me ask you this: Did you ever answer any of the phone calls yourself?

Mr. BETTENDORF. I answered one.

Senator MUNDT. What did they say?

Mr. BETTENDORF. After they called numerous times, and I had consulted with the FBI, they said that the next time they called to take the call and try to have the secretary get it on the other telephone and take a stenographic report of it.

The next time they called, I was just leaving the office to go to New York, and the secretary called me back and whispered "It is the union." I went in and got on the phone and she got on the other, and the man said at the other end "This is your old friend Mac." He said, "I have to see you, I have to see you right away." He said "Why can't we get together in New York."

I said, "Well, how about meeting you tomorrow morning?" I said, "I am just walking out of the office, and I am going to Chicago."

He said, "Well, I will set up a date." He said, "We have to get together and see you."

I said just as soon as I could arrive at a time, that I was very, very busy, that I would get in touch with them, so we could discuss what he had to discuss. Of course I never contacted them whatever.

Senator MUNDT. I did not get the last part. You never did follow through and contact them, did you say?

Mr. BETTENDORF. Pardon me?

Senator MUNDT. You never did have a contact with him on the basis of that telephone call?

Mr. BETTENDORF. No, I never called him.

(At this point, Senator Goldwater withdrew from the hearing room.)

Senator MUNDT. Is it your testimony that when Mr. McHugh told you that "We are going to have to change the arrangements because the Fed's are after us," was the reason the Fed's were after him because you were telling the Government and the FBI what was going on and that probably gave them the leads?

Mr. BETTENDORF. Every time that I talked to them, that I made one of these so-called payoffs, whether it be in the Tobyhanna Inn or a

bottle of beer, or down at Stroudsburg, at the hotel there, or some other place, they always told me what they did to my competitors. My competitors, they were delivering pallets in there on a much smaller scale than I was and they said "Why, we let"—first of all, he said "that so and so came in and his man had a knife in the seat, so we just ordered him out of the base, and let him sit until the next day. The next morning there was no air in his tires and after he got fixed up and come in and unloaded, when he went down the road we had the State highway patrol arrest him."

There was always some threats. They mentioned the contractor that was building 7 or 8 miles of concrete road somewhere out of Scranton. They said "That so and so, we are putting him right out of business."

Senator MUNDT. Did you construe those to be threats directed to you as to what would happen if you discontinued making the payments?

Mr. BETTENDORF. I would say that I would suffer the same fate.

Senator MUNDT. They were trying to imply that to you?

Mr. BETTENDORF. That is right.

Senator MUNDT. That is all.

The CHAIRMAN. Is there anything further?

Do you have any further statement?

(The witness conferred with his counsel.)

Mr. BETTENDORF. I think that is all.

The CHAIRMAN. Thank you very much.

Senator McNAMARA. Mr. Chairman, before you adjourn, if you are about to adjourn, I have a statement on another subject.

The CHAIRMAN. Let the Chair determine something for a moment. I think we have another witness.

You may be excused.

Mr. BETTENDORF. Thank you very much, Mr. Chairman, for a very fair hearing.

Senator McNAMARA. Mr. Chairman, before we close the day's hearing, I would like to bring a matter to the attention of the Chair.

When the select committee was created by Senate resolution on January 30, its membership was divided equally between the majority and minority parties. I personally am not in favor of this practice which has grown up over the years, because I feel that all actions of the Senate are the responsibilities of the majority party. However, I went along in this instance on the assurance of other Senators that this investigation would be completely impartial and above politics.

I believe the distinguished Senator from New York, Mr. Ives, stated on the Senate floor when the resolution was up for a vote that, and I quote:

The importance of having 50-50 representation. 4 Democratic Senators and 4 Republican Senators, is equally obvious. No politics should be involved in such an undertaking.

This is a worthy principle to adhere to, I agree.

Now it has come to my attention that 3 members of this committee, all members of 1 party, have held at least 1 private conference to hear witnesses and to discuss committee business. Published reports which state that the purpose of this meeting was to find ways to embarrass another member of this committee are unimportant and

beside the point. The important point is, Are we adhering to this principle of no politics and nonpartisanship when members of one political party band together to discuss select committee business?

I would like to ask the chairman whether this committee meeting was a formal subcommittee of the select committee, and, if not, does the chairman countenance unofficial handling of committee business in a manner that is so obviously political

That is the end of the statement and the question, Mr. Chairman.

The CHAIRMAN. The Chair would like to make a statement.

The Chairman has no personal knowledge of any meeting being held. All I know is what I saw in somebody's column. I have never let those things disturb me very much. There has been no committee meeting called for the Republican members of the committee alone. All the committee meetings have been either held right in this room or in room 357. For every committee meeting that has been held, due notice has been given to the members.

I do not know anything about private conferences. Folks can get together and talk, Republicans can get together and talk, Democrats can get together and talk. I cannot answer for that. But all meetings of this committee have, in the past, and will in the future, be held after notice is duly given, and it will be announced that either they will be public, such as this, or in some instances where it is proper to do so, and advisable to do so, they will be held in executive session.

Senator McNAMARA. Mr. Chairman, this is called to my attention, I would like to state, by a press release from Senator Ives' office, a copy of which was sent to me, and I have it here now.

Mr. Chairman, I have copies of the front pages of some of my newspapers in Detroit that blew this story up all out of proportion, you can be sure, and they connect my name in the subheadlines with this so-called racketeering in the State of Michigan. I hope we are not going to get into a political hassle on this committee. That is not my intent in bringing it up. But in the event we do, I have some dry powder on it.

The CHAIRMAN. The Chair will make this further brief statement.

This will just be a brief statement. Since politics have been mentioned, I have endeavored, and I shall continue to endeavor, to conduct this committee, so far as I have the responsibility and duty as chairman, without regard to the politics. It is a bipartisan committee, composed equally of Republicans and Democrats. I have had no conferences, other than as I may see some member of the committee and greet you and make some reference to some committee work.

I want to express this hope. I think it is in the interest of our country that this committee go on here and do a conscientious job, forgetting about politics, if any has entered into it. I hope none has and that none will.

As far as doing this work, trying to serve as chairman, I do not know Republicans from Democrats. I am going to do what I think to be right, and undertake to keep this committee functioning, to carry out the very important mission assigned to it.

Senator Ives?

Senator Ives. Mr. Chairman, I seem to be involved in this discussion in some way. I am very glad that it has come out in the open where it has. I think it is very material.

A certain person wanted to see us. I was not apprised as to what they wanted to see us about at the time. This is not about a subcommittee of this committee in any way, shape, or manner. At the time they wanted to have certain members, Republicans, with me, and I said, "That is all right, but I want to know what the story is."

I met with them. I was not able to stay there all the time as I had to leave.

I discovered that you were the objective of the undertaking, and I had no countenance of the whole thing. I issued this release as soon as I knew the story had come out. How it came out, I do not know, although I have ideas. People were trying to make politics out of it. I assure you that not one of us connected with this thing itself in any way, shape, or manner was trying to. I will never play politics with any associate of mine in this whole field of labor relations. I assure you of that. I never have and never will. This is what I issued on April 23.

The Pearson story is inaccurate and misleading. Every member of the select committee is receiving information daily about situations in various parts of the country which the informant regards as worthy of the committee attention. With respect to Michigan, it is true that Senators Goldwater and Mundt met with me in my office as ranking Republican member of the committee, to hear certain charges. But by no means did I or anyone else present connected with the United States Senate suggest any investigation which might embarrass any member of the United States Senate. I am confident that Senator McNamara is an honorable gentleman, and it is deplorable that these unsubstantiated charges have been aired. In fact, I did not feel that there was enough information presented to us to warrant my taking up the matter with the chairman. My only interest in this investigation is to ferret out wrongdoing wherever it may exist in the field of labor-management relations, for the purpose of determining what corrective legislation may be needed.

With that, Mr. Chairman, I join with you in your statement on the bipartisanship of this committee. It is absolutely essential that politics be kept out of this subject, if we are to do the job we have to do.

As for you, Senator McNamara, I apologize to you if I have in any way done anything wrong to you. What I tried to do was to clear the matter up. I assure you that you have my full, deep respect.

The CHAIRMAN. All right. Can we proceed?

Senator MUNDT. Mr. Chairman, I have something from my office coming up, a copy of a statement that I issued after the newspaper boys started calling me up about some story that appeared in the Pearson column, which I had not read. I got the column and then issued the statement which I would like to have permission to put into the record at this point. It is in substance about the same thing as Senator Ives said. I think every member of this committee is contacted frequently by individuals and by groups that single out some particular member for reasons unbeknownst to us, as the channel through which to get information to the committee.

I think it is very necessary that we have that kind of arrangement, so that letters, tips, and so forth, are forwarded by me, as I am sure they are by all other members, promptly, to Mr. Kennedy. This particular case did not even impress me as being important enough to justify doing that much, because there was nothing in it that had any great significance.

As I said in my statement, Senator McNamara's name was mentioned once or twice, I think, by one of the witnesses. It did not impress me as being anything significant at all. In fact, it was entirely dismissed from my mind until by some device or other it appeared in an entirely distorted fashion in the Pearson column. So I would like to have that statement, also in the record.

I see my secretary coming in now with it. I hope she has it. If she has it, I will read it at this time.

Here is my statement made about the situation.

There is no basis in fact to any report that I have had any part in any plan or plot to attack or embarrass Senator McNamara of Michigan.

As a member of the Select Committee on Labor Racketeering, not a day passes but what I receive letters, telegrams, telephone calls, or personal visitations from individuals with tips or information which they feel might be of interest in our work. Some of these individuals I have known for years; some are complete strangers. I presume my experience is duplicated by all other members of our select committee.

A week or two ago, I was asked to drop in to the office of the ranking member of our committee, Senator Ives, to hear a report on labor situations in Michigan. We listened to a witness whom I had never met but who seemed to be unusually well versed in labor problems in the Detroit area. During the report, Senator McNamara's name was mentioned casually and it created no particular impression among those present. Until now I have not even mentioned that routine office conference to any other individual.

Other facets of the report we heard were far more impressive and disturbing, however I am confident none of those present had any idea after the conference of mentioning the slight reference we heard to Senator McNamara. I am surprised, therefore, that the Pearson story placed such emphasis on it and gave such unfavorable publicity to our Michigan colleague. Unless the Senator asks to be heard, however, I still have no intention of giving publicity or calling attention to the rather incidental references made to Senator McNamara but I do feel that other phases of the report we heard—and I do not believe these phases even remotely involve the Senator's labor activities—do merit further investigation and I believe they will at the appropriate time receive it, since they may well indicate an area in which constructive and needed legislation should be enacted.

For the further information of the committee, I will say that these references that did seem important deal with a practice called "dobyman" I had never even heard the word before. But it seems in certain labor unions in the Michigan area, and I do not believe in any union which Senator McNamara may have had dealings with, people in order to get a job, who are denied by the union to become members, are forced to pay a fee, on a regular basis, to the union for the privilege of working, and those fellows are called "dobeyman." I said "Why 'dobeyman,'" and the witness said "because they get some kind of a white slip that enables them to go to work."

It does seem to me that that is an improper labor practice by whoever engages in it, because if you are going to demand that man gets the right to work if he pays a fee to the union, it seems to me that he should have something to say about the union activities and not be denied membership in the union.

The CHAIRMAN. Gentlemen, I hope we will be able to get along with the nature of this business, please.

(Thereupon at 4:30 p. m., the committee recessed, subject to call of the Chair.)

(Members present at recess: Senators McClellan, Ives, McNamara, and Mundt.)

APPENDIX

EXHIBITS

EXHIBIT No. 1

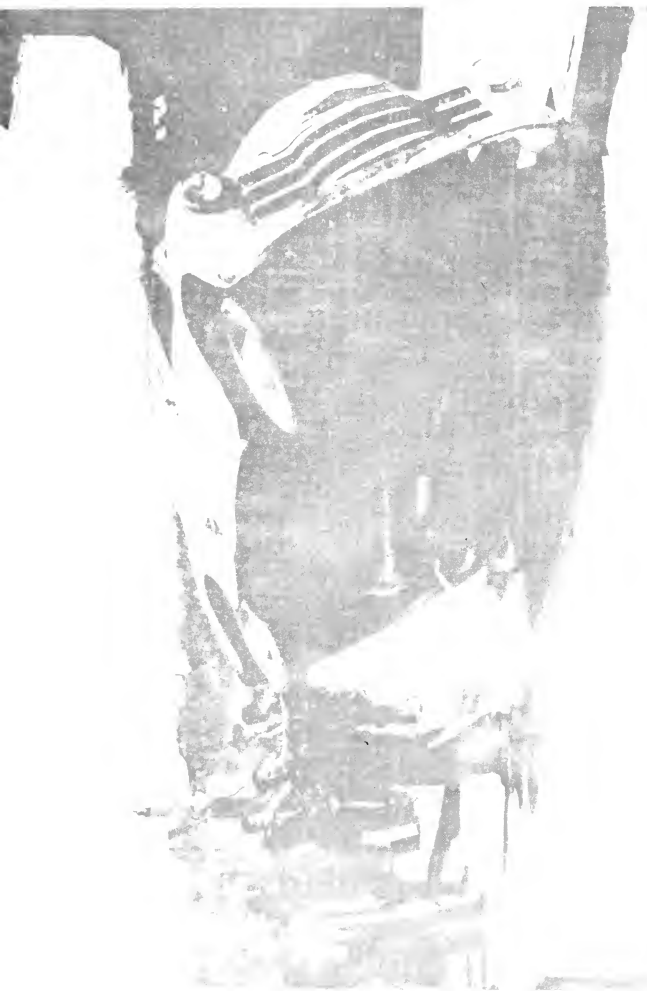


EXHIBIT NO. 2



EXHIBIT No. 3



THE SCRANTONIAN

Sunday, Nov. 18, 1956—17

21 Persons Are Injured in Regional Auto /



DEFENSE DINNER — Principals at the Saturday night dinner in Hotel Casey for the purpose of raising funds for the defense of four local labor leaders who were convicted on charges stemming from the dynamiting of a North Scranton home. Seated from left: Howard Duncan, Joseph Burke, Philip Brady, Joseph A. Keenan, Joseph Downes, Helen Milberger, James L. Mc-

Devitt, Attorney Hugh J. McMenamin, William Healey, Hugh Gormley, John F. Holleran. Standing, from left: Anthony Bonacuse, Patrick Waldron, William McGrath, Joseph Bartell, Attorney J. Charles Hanahue, Attorney James O'Brien, William Kendrick, John Durkin, the Rev. Edward C. Canterbury, Harry Tevis, Joseph McDonough, Robert Malloy, and Joseph McHugh. (Scrantonian Photo)

EXHIBIT No. 4—Continued.

NEWSPAPERS ASSAILED

4 Labor Aides 'Framed, Persecuted', 1,350 Told at Defense Dinner Here

Against a background of speeches that "these men were framed—persecuted, not prosecuted—crucified—victimized by hallucinations of men in business and politics" tribute was paid Saturday night to four local labor leaders recently convicted of conspiracy to sabotage a non-union building project.

Speakers were top union officials from a six-state area, local leaders in the labor movement and the attorney who represented the four during their retrial in Lackawanna County Court last month.

The dinner tribute was arranged for John Durkin, Anthony Bonacuse, Philip Brady and Joseph Bartell. The four were found guilty last month by a jury of conspiracy to sabotage the Ruby home under construction in North Scranton.

Approximately 1,350 crowded into Hotel Casey for the dinner, which was sponsored by a Committee for the Defense of Scranton Labor Representatives. Top members of the Scranton Central Labor Union formed the committee and planned the \$15-a-plate affair.

Over 2,500 tickets were sold, it was reported. About \$12 of the \$15 charged will go into a fund for the defense of the local officials. The amount realized for the fund will be in the neighborhood of \$25,000 to \$30,000, it is reported.

Joseph L. Downes, chairman of the SCLU's committee, served as toastmaster. Helen Milberger, international vice-president of the Cigar Workers Union, was dinner chairman.

The speakers wasted little time leaning off on the role the local newspapers, The Scrantonian-Tribune and The Times, played in the now-celebrated trial of the four union heads. William Kendrick, international vice-president of the Miners Union, declared "this is one of the biggest tributes ever paid to four innocent men that ever were framed in this valley."

Mr. Kendrick stated "it could have been settled in local courts, but instead four men were picked on because they were the labor leaders and because they were trying to do something for their crafts."

He said charitable work done "crucified" Labor will come to the front . . . believe me they were "crucified," framed. How any intelligent jury could bring in a verdict against these men with a witness that was proven a liar . . . and "it's nothing new to frame labor leaders. Remember when they still believed him," Mr. Kendrick added.

Joseph A. McDonough, president of the Pennsylvania Federation of Labor, followed up Kendrick's remarks by terming all four "God-fearing, loyal, family men." He added that "Then the wonderful Times, am here to personally pay to build this case up night after night until the State Police were called in! That's when the dirty work started, that's when the men were crucified."

"God help the men who follow in their footsteps if these men go to jail. Organized labor would be done in this area. Get behind these men . . . is our obligation to refrain from throwing in a buck or two . . . it's easy acceptance of 'popular' going to cost plenty, because whims . . . let's hope that real lawyers will always make a case and sound justice is given out of it . . . if you're innocent these men," Mr. McDonough said.

"We must pause and give consideration to this matter. It is our obligation to refrain from going to cost plenty, because whims . . . let's hope that real lawyers will always make a case and sound justice is given out of it . . . if you're innocent these men," Mr. McDonough said.

Hugh Gormley, regional representative, said "Take this message back to your locals. Four men are being persecuted, not prosecuted, not crucified, not victimized by hallucinations of men in business and politics."

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1,350 Attend Labor Dinner

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representative of the American Federation of Labor in Indiana, said the four were "persecuted, not prosecuted."

He reviewed some facts of the labor movement and said "it was people with intellectual fortitude who made it possible for us to meet in hotels like this rather than under trees or in boxcars."

Patrick Waldron, international vice-president of the Laborers Union, noted that "this gathering proves beyond a doubt that the labor movement stands before these four men. I know the men to be real examples of trade unionists."

He said the trouble started when some of them talked to a man about organizing a job. "Isn't that part of their jobs? Remember that the position of labor today was not built up by powder-puff tactics."

Mr. Waldron concluded by stating that "justice will prevail . . . the poison pen columnists will go down to defeat." James L. McDewitt, president of the Labor League for Education and former president of Pennsylvania Federation of Labor, inquired as to "what happens among people with a conscience . . . when on one hand they recognize the desire of people to be helpful to other people and their community and on the other hand find them guilty of breaking laws of the State and Nation?"

Continuing, Mr. McDewitt said "it just isn't true. None can put their finger at these men and say that they did a dishonest act in all their lives. It's a serious, sad blow to their minds and hearts. It's a serious, sad blow to their families."

"And on the side of righteousness and humanity—how could a jury take the testimony of a criminal and a proven liar and say these men are guilty of a crime they never committed?"

"The pity is that because of the warfare between two competing newspapers these men have found themselves victims of one of the most trying competitive competitions this country as ever seen."

"It was of no value to the newspapers to say Joe Doakes did something! They had to single out leadership. It's a sad commentary on the integrity of the press when they would belittle the character of men who have served so faithfully in past years . . . how all of a sudden they could condemn them on testimony of a proven criminal! Yet it happened. The Lord has a way of administering justice— if public officials don't."

Applause broke out when the speaker referred to the "integrity of the press."

Harry Lewis, international vice-president of the Laborers Union, asked members of the "gray present" (the Rev. Richard Grady, SJ, and the Rev. Edward

C. Canterbury) to "pray for the victims and their families." He termed the four "victims of human actions of much injustice and politics. Men who must hate labor."

He added that "I am here to support Duggan and the other men. The champions are with them with whatever they need that we have."

He further declared that "there have been tumors in the Scranton area that some action would be taken against officials of local and by the International at May 1, say to the tumor line."

The last speaker, Joseph A. Keenan, international vice-president of the Electrical Workers Union, did not dwell directly on the local case. He reviewed the struggles of unions to attain the place of prominence they now enjoy. He cited the value of the Wagner Act in aiding labor. "Let's go out of here with a prayer in our hearts that this thing is cleaned up," he stated. It was learned that 5,000 copies of a tabloid newspaper, "The Labor Defense," were printed at a cost of about \$600. The newspapers were scheduled to be distributed at the dinner.

A last minute change in plans resulted in a decision to have the tabloids circulated on the local level. The tabloid contained cartoons criticizing the press and branded articles such as "Hysteria Rules Labor Trial."

He said the Commonwealth's star witness, Paul Bradshaw, told four or five versions of his

story to juries and that "four men he sent to jail are there tonight while he's walking the streets. He's the only one who testified against them. He set himself up as an expert on unions."

Senator McMenamin reviewed the history of the case and said the testimony "of a man who was taking his back riding lessons with another woman while his wife was having a baby" is jeopardizing the careers of the four leaders.

He concluded by stating that "I'm in it till the end of the line."

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